

PROCEEDINGS

of a

MILITARY COURT FOR THE
TRIAL OF WAR CRIMINALS

held at

LUNEBURG, GERMANY

on

WEDNESDAY, 3 OCTOBER, 1945.

upon the trial of

JOSEF KRAMER

and

44 Others.

FIFTEENTH DAY.

Transcript of the Official
Shorthand Notes.

(At 0930 hours the Court reassembles pursuant to adjournment, the same President, Members, and Judge Advocate being present)

THE PRESIDENT: Colonel Backhouse, I gather you have no more witnesses to call as to alleged happenings in Belsen or Auschwitz?

COL. BACKHOUSE: No; I have no more witnesses at the moment.

THE PRESIDENT: In that case I do not want to close the court to people who have been witnesses and have given evidence, unless the defence have a further application to make.

COL. BACKHOUSE: Although I say I have no more witnesses, at this stage I cannot guarantee that I shall not call one. You will appreciate that throughout this trial we have been receiving regular offers of help, and as long as the prosecution is open, I should not like to guarantee that we will not call another witness.

THE PRESIDENT: I do not want to bar this court to people who have already given evidence unless it is absolutely necessary.

COL. BACKHOUSE: I think I can say that I shall not be calling any other witness that I know of at the moment who is likely to contact people who are here.

CAPT. BROWN: I have no objection.

THE PRESIDENT: In that case these people can now come into court, if they wish, as ordinary spectators.

Captain S.M. STEWART is recalled on his former oath and examined by COL. BACKHOUSE as follows:-

COL. BACKHOUSE: This might be a convenient moment, before the defence cross-examine, to produce affidavits proving the onward transmission of these various documents.

The first one is an affidavit by Herr Masseth and it reads as follows: "My name is Herr Masseth Heinz, and I live at Blucherstrasse 28, Lubeck and am of German nationality. I have been an inmate of Neungamme Camp, and on 20 April 1945 was moved to Lubeck, arriving on 22 April 1945. On 3 May 1945 I escaped from S.S. 'Capricona' in Lubeck harbour. I walked back to Lubeck as I knew some papers relating to death rolls in Belsen, Neungamme and other camps and letters from relatives to prisoners and S.S. files had been hidden. I therefore went to report the matter to the Town Major and then to H.Q. 227 Bde about three weeks later. I helped to collect these papers later still into bags and put the bags, some 30 or 40 of them, onto a lorry. I recognise Sjt. Trip, S.W.H. Royal Netherlands Army as the interpreter from H.Q. 227 Infantry Brigade who was present at the collecting and packing of these documents. I swear by Almighty God that this is my name and handwriting and that this the contents of my affidavit as translated to me are true"; and that is signed by Herr Masseth. "I certify that I have truly translated into English the statement made in German by the above deponent which was read over to him in German before he signed it". Signed by the interpreter, Royal Netherlands Army, attached to 227 Infantry Brigade, B.A.O.R. "Sworn by Deponent and Interpreter before me in the field on the 27th day of August 1945" Signed by Major A. Fletcher, H.Q. 8 Corps, an officer of the Staff of the Judge Advocate General of the Forces.

(Affidavit of Herr Masseth is marked exhibit
13 signed by the President and attached to
the proceedings).

COL. BACKHOUSE: The next one is by Serjeant Trip. "I am Sjt. Trip of the Royal Netherlands Army attached to H.Q. 227 Infantry Brigade. On about 31st May 1945 I met Herr Masseth Heinz and he reported the presence of certain documents to me which I inspected in a warehouse outside Lubeck. Some weeks later I received orders to pack these documents and I went with Herr Masseth and L/Cpl. F. Rothschild of No. 1(E) Doc. Team to the warehouse. We packed up 30 or 40 bags of papers, put them on a lorry, sorted them out at H.Q. 227 Brigade and they were finally removed by No. 1(E) Doc. Team, under the supervision of L/Cpl. Rothschild and an officer. This is the last that I saw of these documents. I do not know the markings on the bags. All the sorting and marking was done by L/Cpl. Rothschild with some help from me. I swear by Almighty God that this is my name and handwriting and that this the contents of my affidavit are true". That is signed by Sjt. Trip. "Sworn before me in the field on the 27th day of August 1945", and that is signed by Major Fletcher, H.Q. 8 Corps, an officer of the Staff of the Judge Advocate General of the Forces.

(Affidavit of Serjeant Trip is marked exhibit
14 signed by the President and attached to
the proceedings).

COL. BACKHOUSE: The next one is the affidavit of No. 13046599 Serjeant Rothschild E. "I am No. 13046599 Serjeant Rothschild E. of No. 1(E) Documents Team attached GSI (a) of Main H.Q. 8 Corps. At about the end of June last I went to Lubeck with Lieutenant Zeitlin my C.O. I was then a lance-corporal. There we contacted the I.O. of 227 Infantry Brigade and Mr. Trip of the Royal Netherlands Army who took us to see some papers at the Marine Lager, Lubeck. These papers proved to be various documents from numerous concentration camps including death rolls of Belsen concentration camp. Lieut. Zeitlin gave instructions to Mr. Trip that these documents should be packed in bags and put at our disposal at Brigade H.Q. Two or three days later Lieut. Zeitlin and I returned to Lubeck and we and some Polish civilians started to sort out the documents and thereafter I went there daily. When the documents had been sorted out I had six bags removed containing to my knowledge: Prisoners index registration cards from various concentration camps. List of Prisoners' names and death certificates. Passports and other identity documents. I took these bags to the Signals Office at H.Q. 8 Corps District and left them there for onward despatch. I produce six acknowledgment forms (marked A.B.C.D.E. and F.) numbers 32 to 37 relating to these bags. I swear by Almighty God that this is my name and handwriting and that this the contents of my affidavit are true". That is signed by Serjeant Rothschild. "Sworn before me in the field on the 29th day of August 1945" Signed by Lieutenant-colonel, H.Q. 8 Corps, an officer of the Staff of the Judge Advocate General of the Forces.

(Affidavit of No. 13046599 Serjeant Rothschild E
is marked exhibit 15 signed by the President and
attached to the proceedings)

THE PRESIDENT: Is there any question about having these affidavits translated? The court want it to be made perfectly clear to the accused that all that has taken place, so far as they are concerned, is the proving of certain evidence relating to death certificates and other documents.

THE JUDGE ADVOCATE: As arranged last night I loaned the original death certificates to Major Cranfield so that he might have copies made for himself. I have not got those certificates in court at the moment, and if there is going to be any cross-examination on them I think we had better send for them.

MAJOR CRANFIELD: I think it would be more convenient for us if we could reserve our cross-examination of Captain Stewart until we have seen the translation, because they are in German and we are having them translated now.

COL. BACKHOUSE: I have no objection at all.

THE PRESIDENT: Very well; you have no cross-examination of Captain Stewart at the moment?

MAJOR CRANFIELD: No; we reserve it.

(The witness withdraws)

COL. BACKHOUSE: I will recall Captain Stewart as soon as the defence indicate that they are ready. Now we come to the affidavits.

THE JUDGE ADVOCATE: Are they to be produced?

COL. BACKHOUSE: Certainly.

THE JUDGE ADVOCATE: Does not the witness have to produce them?

COL. BACKHOUSE: No; They were taken as affidavits and I shall put them forward with the others.

THE JUDGE ADVOCATE: While we are on the question of affidavits, what do you rely on in regard to putting all these affidavits in? Is it Regulation 8?

COL. BACKHOUSE: 8(i). That allows the court to take into consideration any statement appearing on the face of it to be authentic, provided the statement appears to the court to be of assistance in proving or disproving the charge, notwithstanding that such statement would not be admissible as evidence in proceedings before a Field General Court Martial

THE JUDGE ADVOCATE: You do not think that (a) is intended to be read, at any rate so far as an affidavit is concerned, that the court have first to be satisfied that the witness is dead, or is unable to attend or to give evidence, or is, in the opinion of the court, unable to attend without undue delay?

COL. BACKHOUSE: If I wanted to rely on (a) yes, because 8(i) makes (a) academic by saying that 8(a) is without prejudice to the generality of the foregoing.

THE JUDGE ADVOCATE: So you take the view that even if there was a witness in the flesh who could be obtained, you would still be inclined to rely on the affidavits?

COL. BACKHOUSE: I think technically I should. It would, of course, be a matter for the court to decide whether they considered the statement or document appeared to be of assistance. I think they might say that they did not think it was of assistance if they knew I had a witness round the corner.

THE JUDGE ADVOCATE: May we take it that so far as you can you have endeavoured to get all the witnesses here?

COL. BACKHOUSE: I have as regards all those who can immediately be brought here.

THE JUDGE ADVOCATE: I think, Sir, as the Regulation is so wide that the prosecution's view of it is a correct one.

COL. BACKHOUSE: Where the defence have asked me to bring somebody in person, I have done so. I was asked to get Major Champion and Major Smallwood (although not one of my witnesses) and I produced them. I have not been asked to produce anyone else. I have sought, so far as I have been able, all the witnesses who were in Belsen, but some of the service witnesses are now abroad.

I take it that one of the major objections to the affidavits is that it allows formal evidence to be put in and bring it into line with ordinary civil courts where each witness is bound over to appear, if required, by the defence; but insofar as they are witnesses as to fact, I have tried to put them all before the court.

CAPT. PHILLIPS: I have a further objection to this evidence for reasons other than those you have been discussing with the prosecutor.

I object to the whole of these affidavits which are contained in this book and elsewhere being put before the court as evidence. My reason for objecting is this. Ordinarily speaking evidence of this sort would not be admissible before a court. It is only admissible, if at all, as a result of Regulation 8(i) and that Regulation, in my submission, is merely permissive. It is the Regulation which says that the court may take into consideration certain types of evidence, and our objection to the evidence here is that this is not a case in which the court should receive this evidence. We do not say that the court cannot, but we say that the court has a discretion and that it should exercise that discretion here in favour of the defence and refuse to accept that evidence.

Our reason for asking the court to exercise that discretion in our favour is this. In our submission the whole of the evidence contained in this book is completely unreliable, thoroughly slipshod, and incompetent. We invite the court, having considered the statements which are in the book of those witnesses who have already given evidence, to judge from those (take those, as it were, as a sample of the rest) and say that the remainder should not be received by the court as they are completely worthless or, if not completely worthless, of such little value that the court should not make such an enormous departure from what is the normal practice of criminal courts and the normal practice of Field General Courts Martial.

I should like in support of this application to invite the attention of the court to some of the statements of those witnesses who have already given evidence, in order that the court may see if they will be of assistance to them in determining whether in this case they should exercise their discretion in favour of the defence.

THE JUDGE ADVOCATE: Captain Phillips, so far as we have gone, subject to the adjectives you have used about the weight of evidence, I agree with you that it is entirely a matter for the court's discretion as to whether they accept this evidence or not. It is for the court, in my view, to consider what weight should be attached to any affidavit as and when it is put in.

As a lawyer you appreciate that normally the battle takes place upon the question as to whether or not evidence is admissible. In my view, all these exhibits, if they are put in, will be admissible in evidence, but what is left for the court to decide, if they admit them, is how much weight they will attach to that particular document having heard the whole of the circumstances and having considered it in the light of other evidence.

The only advice I can give to the court is that they should consider each affidavit as and when it is tendered, and that it would not be right to argue from the general to the particular. I do not think it is sound to say that because one affidavit or several affidavits may not convince the court as to their truth, therefore the court should pay no attention whatever to, say, eighty or ninety others. I think they will want to discriminate and will discriminate, and how you will get over your difficulties I do not know.

CAPT. PHILLIPS: In that case I will not continue with my argument any further.

THE JUDGE ADVOCATE: The court must decide it. I am merely telling you how I shall advise the court, and it is for you to put your argument with that fact in mind. The court are the judges; not I.

CAPT. PHILLIPS: I appreciate that and I will say no more.

THE PRESIDENT: I propose to close the court for five minutes . to discuss the point you have put forward.

(The Court confer)

THE JUDGE ADVOCATE: Captain Phillips, I am asked by the court to say that they have carefully considered your argument, but they are unable to accept it. That means that they will receive in evidence the affidavits tendered by the prosecution. They desire to make it perfectly clear, however, that when they come as a court to decide what weight should be attached to any particular affidavit, they will bear in mind any observations going to weight which you or your colleagues feel right to address to them. In other words, when they come to decide the case they will consider each and every piece of evidence, whether it is oral or affidavit, and will decide whether it is worth considering as being evidence of weight against the accused.

CAPT. PHILLIPS: If you please.

COL. BACKHOUSE: With regard to the question as to the most convenient way of taking these affidavits, I personally consider that probably the best way and simplest way to avoid confusion would be to go through the affidavits in the order in which they are bound in the book. We toyed with the idea of trying to split them up, but as so many of the affidavits refer to more than one person, it is impossible to group them. We also toyed with the idea of reading pieces about each accused, but as we have to put the original affidavits in we should probably get in a complete muddle. We now know broadly the lines of the case and I think the simplest thing would be to treat the affidavits as witnesses and take them in the order in which they appear. I am quite prepared to take them in any order which seems more convenient to the court.

THE PRESIDENT: Have the defence any observations to make on that ?

MAJOR CRANFIELD: We prefer them to be read as the prosecutor suggests.

THE PRESIDENT: Have these affidavits been translated?

MAJOR CRANFIELD: Yes; the affidavit affecting an individual accused has been translated into a language understood by him and a copy handed to him.

CAPT. BROWN: There is one matter I should like to raise. In my case a portion of at least one of the affidavits being put before the court will be objected to, and I should like to know how the court would like that to be dealt with. When the prosecution commences to read affidavit No. 1 I propose to object to paragraph 3 of that affidavit being put before the court. Would it be more convenient to the court if I mentioned that when the prosecutor starts to read the first affidavit?

COL. BACKHOUSE: If before I start to read, for example, affidavit No. 1 the particular defending officer will say: "I am going to object to paragraph 3" when I get to that paragraph I will stop.

THE PRESIDENT: That, I think, is the easiest way and the court will then consider the objection on each one.

CAPT. BROWN: I propose to object to paragraph 3 of affidavit No. 1.

COL. BACKHOUSE: I will start with affidavit No. 1; the deposition of Dora Almaleh.

(Deposition of Dora Almaleh is marked exhibit 16 signed by the President and attached to the proceedings)

COL. BACKHOUSE: "Deposition of Dora Almaleh (female) late of 19B Othos Peve Ganna, Salonika, Greece, sworn before Major Savile Geoffrey Champion, Royal Artillery, Legal Staff, No. 1 War Crimes Investigation Team.

"1. I am 21 years of age and because I am a Jewess I was arrested on 1 April, 1942, and taken to Auschwitz concentration camp where I remained until I was transferred to Belsen in November, 1944."

"2. I recognise No. 2 on photograph 22 as an S.S. woman at Belsen."

I would like the Court to look at that photograph and look at the woman in the dock. The S.G.C. Number is 9. Photograph 22. The woman is No. 42 in the dock, Hilde Lisiewitz.

(The accused No. 42, Hilde Lisiewitz, stands up.)

"2. I recognise No. 2 on photograph 22 as an S.S. woman at Belsen. I knew her by the name of Hilde. I have now been told that her full name is Hilde Lisiewitz. One day in April, 1945, whilst at Belsen I was one of a working party detailed to carry vegetables from the store to the kitchen by means of a hand cart. In charge of this working party was Lisiewitz. Whilst I was on this job I allowed two male prisoners, whose names I do not know, to take two turnips off the cart. Lisiewitz saw me do this and she pushed the men, who were very weak, to the ground, and then beat them on their heads with a thick stick which she always carried. She then stamped on their chests in the region of the heart with her jack-boots. The men lay still clutching the turnips. Lisiewitz then got hold of me and shook me until I started to cry. She then said: 'Don't cry or I'll kill you too'. She then went away and after 15 minutes I went up to the men and touched them to see if they were still alive. I formed the opinion that they were dead. I felt their hearts and could feel nothing. They were cold to the touch like dead men. I then went away leaving the bodies lying there and I do not know what happened to them."

I think this is the stage at which my friend wishes to raise an objection.

CAPT. BROWN: My objection to this next part of the statement is based on the fact that the facts disclosed by paragraph 3 do not disclose any crime and are completely irrelevant to the charge as laid. The charge refers to a war crime and refers to the ill-treatment and death of Allied Nationals. Paragraph 3 of the statement refers to a Hungarian girl and I think it is within the knowledge of the Court, and I put it to the Court, that a war crime could not be committed by a German against a Hungarian.

COL. BACKHOUSE: There are two points I would make. The first is that I am not sure whether my friend has quite got his dates right. The Hungarians left the Axis before April, 1945, and had come on to the Allied side so at that time the Hungarians were at least some form of Allies but I do not know to what extent. The more general point is this, that what I am trying to prove is the treatment of the Allied inmates of this camp. I think I am perfectly entitled to put before the Court treatment of other persons in that camp. If there are ten people in a place and I want to prove that one of them was badly treated in my submission I am perfectly entitled to prove that the ten were badly treated. The treatment of all the inmates in this camp is, in my view, relevant to show the treatment of any individual inmate in the camp.

(The Court confer.)

THE PRESIDENT: That paragraph may be included.

COL. BACKHOUSE: "3. I recognise No. 1 on photograph No. 5 as an S.S. man at Belsen who was in charge of the bread store".

I would like the Court to look at photograph S.G.C.3 and compare it with the accused No. 21 in the dock.

(The accused No. 21, Karl Egersdorf, stands up.)

"I have now been told that his name is Karl Egersdorf. One day in April, 1945, whilst at Belsen I was working in the vegetable store when I saw a Hungarian girl, whose name I do not know, come out of the bread store nearby carrying a loaf of bread. At this moment Egersdorf appeared in the street and at a distance of about 6 metres from the girl shouted: 'What are you doing here?'. The girl replied: 'I am hungry' and then started to run away. Egersdorf immediately pulled out his pistol and shot the girl. She fell down and lay still bleeding from the back of the head where the bullet had penetrated. Egersdorf then went away and a few minutes later I went and looked at the girl. I am sure she was dead and men who were passing by looked at her and were of the same opinion. The bullet had entered in the centre of the back of the head. I do not know what happened to her body."

"Sworn by the said deponent Dora Almaleh at Belsen this 13th day of June, 1945. (Signed) Dora Almaleh, Before me (Signed) S.G. Champion, Major R.A."

"I hereby certify that, the said deponent not understanding English, this affidavit was translated in my presence to the said deponent before swearing and I am satisfied that its contents were fully understood by the said deponent. Dated this 13th day of June, 1945. (Signed) S.G. Champion, Major R.A."

"I hereby certify that I have translated this affidavit to the said deponent. Dated this 13th day of June, 1945. (Signed) Traute Neumann, Civilian Interpreter."

There is a note by Major Champion which I do not propose to read because it does not appear to be of evidential value, unless my friends want it read.

Affidavit No. 2 I do not propose to read. The truth of the matter is this, that this girl has been here and gone away and having said I will not put in an affidavit when the witness is available that is the reason why I am leaving it out.

MAJOR MURTON-NEALE: The next deposition is No. 3. "Deposition of Margarete Berg of Prague c/o Czech-Slovakian Embassy, sworn before me Major P. Ingros Bell, D.A.A.G., Legal Staff, an officer of the staff of the Judge Advocate General to the Forces.

"1. I am 40 years of age and am a Jewess of Czecho-Slovakian nationality. I was arrested on 23rd August, 1942, for assisting in the escape of prisoners interned in a Concentration Camp. I was imprisoned at Moravská-Ostrava and later at Beno and Vienna. I was also in Auschwitz and Hamburg and was transferred to Belsen on the 7th April, 1945.

"2. I name S.S. man Walter Kummell as murdering -----"

COL. BACKHOUSE: I think that may be left out as it does not refer to anybody here.

MAJOR MURTON-NEALE: "3. About three days before Belsen Camp was liberated I was a member of a working party of women going to collect grass for filling mattresses. The party was escorted as far as the gate of the camp by S.S. woman Gertrud Fiest, whom I identify as No. 4 on photograph 19." That is S.G.C. 8. (The accused No. 40, Gertrude Fiest, stands up.) "As we got near to the gate one of the women collapsed and the S.S. woman immediately came out and kicked her in the back. The victim died at once in my presence."

"Sworn by the above named Margarete Berg this 6th day of May, 1945, at Belsen Camp. (Signed) Margarete Berg. Before me the said Major P. Ingress Bell. (Signed) P. Ingress Bell."

"Certified that the above is an accurate translation of the evidence given by the said Margarete Berg in my presence. (Signed) Charlotte Duschendes."

(Deposition of Margarete Berg is marked Exhibit "17", signed by the President and attached to the proceedings.)

COL. BACKHOUSE: The next one is on page 4, the deposition of Regina Bialek. "Deposition of Regina Bialek, of Skladowa, 16, Lodz, Poland, sworn before Capt. Alfred James Fox, General List, D.A.P.M., 86 Special Investigation Section, C.M. Police.

"1. I am 28 years old and a Polish Jewess. I was arrested on 25th December, 1939, as a political prisoner and was sent to Auschwitz in July, 1942. I was transferred to Belsen in the summer of 1944.

"2. I recognise Ladislaw Gura (photo 7-1) as being a Slovak and a block fuhrer at Auschwitz."

That is photograph S.G.C. 4. (The accused No. 17, Ladislaw Gura, stands up) That particular man is wearing a white shirt. In a considerable number of the accused I shall suggest, the proper time, there would be a great difference in hair styles and in moustaches.

"One day in the summer of 1943 I saw him beat a man on the face and head with the butt of his rifle for speaking to a woman. The man's head was split open and blood issued from his mouth and ears and his injuries appeared to bad that I had no doubt that he was dead. On Gura's orders some prisoners had to take the victim to the male quarters. On another day in the summer of 1943 I saw from about 40 metres away George Kraft (photo 7-5) catch a man who was also speaking to a woman."

That is Photograph S.G.C. 4. also. (The accused No. 4, George Kraft, stands up) In regard to this accused I draw attention to the scars both on the man and in the photograph.

"Kraft battered the man's face and head with a stick so that his head was gashed and blood poured from his mouth and ears. In my opinion the man must have died since no one could have survived such injuries. I later saw his body taken away to the male quarters by other prisoners.

"3. On 25th December, 1943, I was sick with typhus and was picked out at a selection made by Doctors Mengle and Tauber along with about 350 other women. I was made to undress and taken by lorry to a gas chamber. There were seven gas chambers at Auschwitz. This particular one was underground and the lorry was able to run down the slope and straight into the chamber. Here we were tipped unceremoniously on the floor. The room was about 12 yards square and small lights on the walls dimly illuminated it. When the room was full a hissing sound was heard coming from the central point on the floor and gas came into the room. After what seemed about ten minutes some of the victims began to fit their hands and foam at the mouth and blood issued from their ears, eyes and mouth and their faces went blue. I suffered from all these symptoms together with a tight feeling at the throat. I was half conscious when my number was called out by Dr. Mengle

and I was led from the chamber. I attribute my escape to the fact that the daughter of a friend of mine who was an Aryan and a Doctor at Auschwitz had seen me been transported to the chamber and had told her mother who immediately appealed to Dr. Mengele. Apparently he realised that as a political prisoner I was of more value alive than dead and I was released.

"4. I think that the time taken to kill a person in this particular gas chamber would be from 15 to 20 minutes.

"5. I was told that the staffs of the prisoners who worked in the gas chamber and crematorium next door changed every three months., the old staff being taken to a villa in the camp to do some repair work. Here they were locked in the rooms and gas bombs thrown through the window. I estimate that in December, 1943, about 7,000 people disappeared from Auschwitz apparently by way of the gas chamber, and crematorium.

"Sworn by the said deponent Regina Bialek at Belsen Camp this 26th day of May, 1945. (Signed) Regina Bialek. Before me (Signed) A.J. Fox, Gen.List.

"I hereby certify that, the said deponent not understanding English, this affidavit was translated in my presence to the said deponent before swearing and I am satisfied that its contents were fully understood by the said deponent. Dated this 26th day of May, 1945. (Signed) A.J. Fox, Capt.

"I hereby certify that I have accurately translated this affidavit to the said deponent. Dated this 26th day of May, 1945. (Signed) Charlotte Duschenes.

"The above deponent was at Belsen this 31st day of May, 1945, examined by, and resworn before me. (Signed) S.G. Champion, Major R.A. Legal Staff. No. 1 War Crimes Investigation Team.

"I hereby certify that I accurately interpreted at the examination by Major S.G. Champion. (Signed) Traute Neumann, Civilian Interpreter".

(Deposition of Regina Bialek is marked
Exhibit 18, signed by the President
and attached to the proceedings.)

COL. BACKHOUSE: The next one is also by Regina Bialek. It refers to Kopper and Forster and the only photograph is S.G.C.12. It might save time if I ask No. 33 (Ilse Forster) to remove the scarf that she has lately taken to wearing round her head. (The accused does so). Her head has been shaved since the trial began; she was wearing her hair long then.

"Further deposition of Regina Bialek (Female) late of Skladow, 16, Lodz, Poland, sworn before Major Savile Geoffrey Champion, Royal Artillery, Legal Staff, No. 1 War Crimes Investigation Team.

"1. Further to my deposition sworn on 26th May, 1945.

"2. ~~I first met Helena Kopper when I travelled from Auschwitz to Belsen in the summer of 1944.~~ During the time that we were in Belsen Camp Kopper told me that her husband and son were both members of the S.S. and that she came from Cracow. I first heard that her husband was a German from other prisoners and in order to find out the truth I told Kopper that my husband was a German. It was then that Kopper told me the story of her own husband and son. At Belsen Kopper acted as an assistant Block Altester, Block Altester and for a while as camp policeman. She was well favoured by the S.S. Kopper reported to the S.S. the names of women who were in possession of valuables etc. and the S.S. then came to those women and deprived them of that property. Women found in possession of valuables were often beaten by the S.S.

"3. Kopper was assistant block Altester of Block 27 in the women's camp at Belsen and I was in this block whilst she was there. Kopper deprived women in the block of their proper share of what food there was because she kept more for herself than she was entitled to have. The food that she saved in this way she exchanged with other prisoners for margarine. Kopper frequently beat other women prisoners in the block for coming to her for more food. She beat them across the head and all parts of the body with a wooden stick, sometimes three or four times. As far as I know Kopper did not inflict any serious injuries on those she beat but there was no necessity for the beatings.

"4. I have also seen Kopper beat women prisoners outside the block in the camp. As a camp policewoman she checked prisoners for small offences such as being outside the block when an alert was sounded. For those trifling offences she beat prisoners with a wooden stick and on one occasion she beat a friend of mine without reason. I did not see the incident but was told by my friend who had a black eye.

"5. In Belsen Kopper used to keep company with one of the S.S. men. I do not know his name but he used to visit the block to see her and bring her packets of food. When he came other prisoners used to clear out of the way. Kopper became pregnant according to other prisoners, and all said that the S.S. man was responsible. Then one day in March, 1945, S.S. ~~woman Ehlert~~ came to the block to search for jewellery but she was unable to find any as the women had hidden it. It had been reported to Ehlert by Kopper that other prisoners were in possession of jewellery and when she did not find it she struck Kopper and told other prisoners to set about her. Kopper was hated by the other prisoners and they all began to beat her. Kopper had to be taken to hospital afterwards and I was told by other prisoners that she had a miscarriage when about four months pregnant.

"6. I identify No. 3 on photograph 37" -- that is G.S.C.12 -- "as an S.S. woman who was an Aufseherin in Kitchen No. 1 at Belsen". Here I would particularly draw the Court's attention to the fact this woman has had her head shaved like this since the trial started.

CAPT. NEAVE: I would like to repudiate any suggestion that No. 33 was not wishing to be detected in the dock. It has been done for medical reasons.

COL. BACKHOUSE: I have not made any suggestion; I was merely pointing out that at one time her hair was long. The deposition goes on: "I knew her by the name of Ilse Forster. I often saw Forster beating other prisoners with a thick stick in the kitchen. She struck male prisoners across the head and women across the backside, but sometimes she hit women on the head too. I have seen Forster beat many prisoners until they were unconscious and they were then left lying bleeding on the floor. These beatings were inflicted in a room within the same building as the cookhouse and I saw the beatings through a window of the room. These beatings were given because prisoners asked for food or because they took food from the kitchen. I have seen unconscious prisoners who had been beaten by Forster taken away on a wheelbarrow to the hospital. I do not know whether any of them died as a result of their injuries but many were covered with blood.

"Sworn by the said deponent Regina Bialek at Belsen this 15th day of June, 1945. (Signed) Regina Bialek. Before me (Signed) S.G. Champion, Major R.A."

"I hereby certify that, the said deponent not understanding English, this affidavit was translated in my presence to the said deponent before swearing and I am satisfied that its contents were fully understood by the said deponent. Dated this 15th day of June, 1945. (Signed) S.G. Champion, Major R.A."

"I hereby certify that I have accurately translated this affidavit to the said deponent. Dated this 15th day of June, 1945. (Signed) Traute Neumann, Civilian Interpreter."

(Further deposition of Regina Bialek is marked Exhibit 19, signed by the President and attached to the proceedings.)

COL. BACKHOUSE: The next one is on page 16; the photograph concerned is S.G.C.2.

MAJOR MUNRO: I would like to mention at this stage that after the prosecutor has tendered his affidavits I propose to request the Court to receive also those affidavits of witnesses who gave evidence in Court.

THE JUDGE ADVOCATE: Why?

MAJOR MUNRO: In order to provide the defending officers with a basis of comparison, to measure the value of the remaining affidavits which are now being put in by the prosecution.

THE JUDGE ADVOCATE: When you had the witness in person it was for you to put to that witness anything in the affidavit. I see no reason why the Court should look at an affidavit when they have the witness here in person except upon points which you should have drawn their attention to when the witness was being cross-examined.

MAJOR MUNRO: That was in fact done in cross-examination and I was only hoping in my closing address that I should be able to refer to the affidavit as well as to my cross-examination.

THE JUDGE ADVOCATE: You can only refer in your closing address to that by criticising what the witness said and pointed out that something different was stated in an affidavit which you put to the witness.

MAJOR MUNRO: If you please.

MAJOR MURTON-NEALE: This is the deposition of Paul Cech and deals with the accused Fritz Mathes, who is No. 18. The photograph concerned is S.G.C.2.

"Deposition of Paul Cech (male) late of Malhotice, Moravia, sworn before Major Savile Geoffrey Champion, Royal Artillery, Legal Staff, No. 1 War Crimes Investigation Team.

"1. I am 20 years of age and of Czech nationality. I was arrested by the Germans in December, 1941, because I left my work in Hamburg without permission. I spent six months in prison at Fuhls Buttel, and in May, 1942, was transferred to the concentration camp at Neuengamme. In December, 1943, I was transferred to the concentration camp at Braunschweig Dritte where I remained until January, 1945, when I was sent to Belsen.

"2. I recognise No. 3 on photograph 3 as an Unterscharfuhrer and kitchen chief of No. 2 Kitchen Belsen. I am now told his name is Fritz Mathes. I lived about 20 metres from this kitchen and about 1st April, 1945, witnessed the following incident. Several men prisoners tried to steal some carrots piled up in front of the kitchen. Mathes fired at the men with his pistol, wounding some and killing others. I know that two or three died because I and others had to take their bodies to the big pit about a kilometre away. Incidents like this occurred every day thereafter until the English came on 15th April, 1945, and I estimate that over this period about 30 men were shot dead by Mathes. I saw a large number, but not all, of the said men shot. Mathes was a brute and killed indiscriminately.

"Sworn by the said deponent Paul Cech at Belsen this 4th day of June, 1945. (Signed) Paul Cech. Before me (Signed) S.G. Champion, Major R.A.

"I hereby certify that, the said deponent not understanding English, this affidavit was translated in my presence to the said deponent before swearing and I am satisfied that its contents were fully understood by the said deponent. Dated this 4th day of June, 1945. (Signed) S.G. Champion, Major R.A.

"I hereby certify that I have accurately translated this affidavit to the said deponent. Dated this 4th day of June, 1945. (Signed) Traute Neumann, Civilian Interpreter."

(Deposition of Paul Cech is marked
Exhibit 20, signed by the President
and attached to the proceedings.)

COL. BACKHOUSE: The next one is on page 17 and refers to Hilde Lobauer.

"Deposition of Miss Jadwiga Dembouska, late of Warsaw,
sworn before me Major Geoffrey Smallwood, Major (Legal Staff), Judge
Advocate General's office.

"1. I am 27 years of age, and was arrested on 3rd November
1942 for being a Polish nationalist. *

"2 I first met the woman Lobauer who has just been brought
into the room and whom I recognise as being the Lagerapo at Auschwitz in
1942. I was there until January, 1945. She very often beat women with a
stick for no real reason at all. She later acted as Arbeitsdienst and was
always brutal to women.

"Sworn by me the above named Jadwiga Dembouska this 11th day
of May, 1945, at Belsen Camp. (Signed) Jadwiga Dembouska. Before me the
said Major Geoffrey Smallwood. (Signed) Geoffrey Smallwood.

"Certified that I have accurately translated the evidence of
the said Jadwiga Dembouska as recorded in my presence. (Signed) Traute
Neumann."

(Deposition of Miss Jadwiga Dembouska

is marked Exhibit 21, signed by the

President and attached to the

proceedings.)

MAJOR MURTON-NEALE: The next one is No. 18, Gertrud Diamant: "Deposition of Gertrud Diamant (female) late 9, Kolarova, Presov, Czechoslovakia, sworn before Captain Alfred James Fox, General List, D.A.P.M. 86 Special Investigation Section, Corps of Military Police. (1) I am aged 21, and because I am a Jewess I was arrested on 21st March 1942 and taken to Auschwitz. On 3rd August 1944 I was transferred to Hindenburg Labour Camp, Silesia, where I remained until I was transferred to Belsen on 19th January 1945. I recognise Elizabeth Volkenrath, No. 6 on photograph 22, as an SS woman who was at Auschwitz" - that is photograph S.G.C.9. (The accused Elizabeth Volkenrath stands up) - "Her maiden name was Milan and she was married to an SS man named Volkenrath. During 1942 I have seen her make selections from women as they returned to the camp from working places. Those selected would have to go to Block 25 which was the block that held those whom we understood were selected for the gas chamber. They would be kept in this block for several days until there was a total of about a thousand people there. Volkenrath would then give orders that the prisoners be loaded into lorries and transported to the gas chamber. It was common knowledge at Auschwitz that prisoners sent to Block 25 went ultimately" - the Deposition has the word "alternately" - "to the gas chamber. The SS threatened prisoners with this if they did anything wrong. Sworn by the said Deponent Gertrud Diamant at Belsen this 30th day of May 1945. (Sgd) Diamant Gertrud. Before me (Sgd) A.J. Fox, Capt. I hereby certify that, the said Deponent not understand English, this affidavit was translated in my presence to the said deponent before swearing and I am satisfied that its contents were fully understood by the said deponent. Dated this 30th day of May 1945, (Sgd) A.J. Fox, Capt. I hereby certify that I have accurately translated this affidavit to the said deponent. Dated this 30th day of May 1945 (Sgd) Charlotte Duschnos. The Deponent Gertrud Diamant who made the attached affidavit was at Belsen this 31st day of May 1945 examined by, and resworn before me (Sgd) Diamant, Gertrud. (Sgd) S.P. Champion, Major, R.A., Legal Staff, No. 1 War Crimes Investigation Team. I certify that I accurately interpreted at the above examination. Dated this 31st day of May 1945. (Sgd) Charlotte Duschnos, Civilian Interpreter".

(Deposition of Gertrud Diamant is marked Exhibit "22", signed by the President and attached to the proceedings).

COLONEL BACKHOUSE: No. 19 is the next and it is a further Deposition by the same woman. You will require photographs 15, 22 and 16.

"Further Deposition of Gertrud Diamant. (female) late of 9 Kolarova, Presov, Czechoslovakia, sworn before Major Savile Geoffrey Champion, R.A., Legal Staff, No. 1 War Crimes Investigation Team. (1) I identify from six photographs handed to me Heinrich Schreirer No. 1 on photograph Q/4/1" - that is photograph S.G.C.15 (No. 2 accused, Heinrich Schreirer stands up). "He was an SS man at Auschwitz. I know nothing about him myself but I was told by other male prisoners that he was extremely cruel and that they were all afraid of him. I saw him a number of times whilst I was at Auschwitz. I have no doubt as to his identity."

"(2) I recognise from a batch of photographs shown to me Nos. 22 and 23 on photograph Q/4/8" - that is photograph S.G.22 - "No. 22 is Anna Hompol" - Accused No. 44, Anna Hompol stands up - "and No. 23 is Giselle Koblischek" - she is not here - "I knew both of these women at Belsen. They were both SS women employed in the kitchen. I have seen Hompol beating prisoners with a rubber stick for stealing or attempting to steal from the kitchen. On one occasion I saw her beat a very sick man and he collapsed in a heap on the ground. I do not know whether he died of his injuries. In regard to Koblischek, she was at times in charge of cleaning parties in the camp. I have seen her beating prisoners with a wooden stick".

Now we change to Grese: "I recognise from a batch of photographs Nos. 2 and 3 on photograph Z/4/2" - that is photograph S.G.C.16 - "No. 2 is Irma Grese and No. 3 is Hilda Lobauer" - (Accused Nos. 9 and 10, Irma Grese and Hilda Lobauer stand up - "Grese was the SS woman commandant of the

the working parties both at Auschwitz and at Belsen. I have seen her at both camps when in charge of working parties beating women and girls with a stick. Her favourite habit was to beat them until they fell to the ground and then she kicked them as hard as she could with her heavy boots. She frequently caused blood to flow and in my opinion many of the people she injured were likely to die from such injuries, but I have no direct evidence of such deaths. Grese was also responsible for selecting victims for the gas chamber at Auschwitz. I was present on such occasions. Lobauer was not SS at all, and she was a prisoner at Belsen. I acted for the SS and was in charge of working parties under Grese. I have seen her savagely beat women and girls with a stick. In many ways her ill treatment of prisoners was worse even than the SS women. Many of the victims that she has beaten have collapsed and in my opinion were likely to die of their injuries, but I have no direct evidence of such deaths. (4) Everything I have said herein except in regard to the alleged ill treatment by SS man Schreirer is from what I have personally seen."

"Sworn by the said Deponent Gertrud Diamont at Belsen this 1st day of June 1945 (Sgd) Diamont, Gertrud, Before me (Sgd) S.G. Champion, Major, R.A. Legal Staff, No. 1 War Crimes Investigation Team."

"I hereby certify that, the said deponent not understand English, this affidavit was translated in my presence to the said deponent before swearing and I am satisfied that its contents were fully understood by the said deponent. Dated this 1st Day of June 1945. (Sgd) S.G. Champion, Major, R.A."

"I hereby certify that I have accurately translated this affidavit to the said deponent. Dated this 1st day of June 1945 (Sgd) Traute Neumann, Civilian Interpreter".

(Further Deposition of Gertrud Diamont is marked exhibit "23", signed by the President and attached to the proceedings).

MAJOR MURTON-NEALE: The next is the Deposition of Karl Dolinski, on page 20. "Deposition of Karl Dolinski of 67 Lwowska, Tarnof, Poland, sworn before Major Savilo Geoffrey Champion, R.A., Legal Staff, No. 1 War Crimes Investigation Team. (1) I am 54 years of age and I was arrested on 5th May 1943 because I was a Jew. I was then taken to Auschwitz and transferred to Belsen in January 1945. (2) I can recognise Ladislaw Gura as No. 1 on photo 7" - that is photograph S.G.C.4. (Accused No. 17, Ladislaw Gura stands up). "This man was one of the SS men in the camp at Belsen whilst I was there. I was employed at Belsen as an engineer. One day at the end of March 1945 I was given orders to run off the water supply. The main tap is next to a draining ditch. Whilst I was turning off the water I heard Gura give orders to a man to do some repair work to the ditch. The man did not obey immediately so Gura kicked him into the ditch in which the water was about 5 ft. deep. I pulled the man, who was an acquaintance of mine, out of the ditch. Whereupon Gura beat the victim on the head with a spade and when he fell down kicked him. I then moved away about 30 yards from where I saw the man taken away to the sick block by two other prisoners. Two days later I went to see how the man was progressing but found he was dead. It is my opinion that his death was attributable to the ill treatment received from Gura. I do not know the name of the victim - we prisoners seldom knew the names of other prisoners.

"Sworn by the said Deponent Karl Dolinski at Belsen this 25th day of May 1945. (Sgd) Karl Dolinsky. Before me (Sgd) S.G. Champion, Major, R.A.

"I hereby certify that the said deponent not understand English this affidavit was translated in my presence to the said deponent before swearing and I am satisfied that its contents were fully understood by the said deponent. Dated this 25th day of May 1945. (Sgd) S.G. Champion, Major, R.A. I hereby certify that I have accurately translated this affidavit to the said deponent. Dated this 25th day of May 1945. (Sgd) Traute Neumann."

MAJOR MURTON-NEALE: The next one is page 21, Mevrouw Fanny Duizend.

THE JUDGE ADVOCATE: Who does this go to?

MAJOR MURTON-NEALE: No particular accused, we are just alleging that this incident took place at Belsen during the time the accused were present.

(Deposition of Mevrouw Fanny Duizend is marked Exhibit 25, signed by the President and attached to the proceedings)

MAJOR MURTON-NEALE: "Deposition of Mevrouw Fanny Duizend, widow, late of 1e. Oosterparkstr 111a, Amsterdam, sworn before me Major Geoffrey Smallwood, Major (Legal Staff) Judge Advocate General's Office.

(1) I was first arrested on 23rd April 1944. My only crime was being a Jew. I was sent with my husband and child to Auschwitz where both of them were sent to the gas chamber on 21st May 1944. I came to Belsen on 1st January 1945. I am 26 years of age. (2) The last week before the English came we were very short of food and were waiting outside the kitchen when a cart carrying turnips came up. Several women tried to rush the cart and I saw the chief cook shoot from a window two women with a rifle, one in the arm and one in the foot. I had had typhus and was too weak to stand so I was sitting near the window. When he saw me sitting he began to point his rifle at me as if to shoot me but I just managed to crawl away on hands and knees out of his sight before he could. I do not know his name but could recognise him.

"Sworn by me the above named Fanny Duizend this 3rd day of May 1945 at Belsen Camp. (Sgd) F. Duizend. Before me the said Major Geoffrey Smallwood. (Sgd) Geoffrey Smallwood.

"Certified that I have accurately translated the evidence of the said Fanny Duizend as recorded in my presence. (Sgd) Traute Neumann."

COL. BACKHOUSE: The next one is page 22, Gitla Dunkleman.

(Deposition of Gitla Dunkleman is marked Exhibit 26, signed by the President and attached to the proceedings)

COL. BACKHOUSE: This is Gresc. "Deposition of Gitla Dunkleman, 2 Kalisz, Poland, sworn before me, Major P. Ingress Bell, D.A.A.G., Legal Staff, an officer of the staff of the Judge Advocate General to the forces.

(1) I am aged 40 and a Jewess of Polish nationality. I was arrested in 1939 and after being at various prisoners and camps I was sent to Auschwitz in 1944. I was only there three weeks and then went to another camp. (2) I was in block 11 and the chief SS woman who dealt with us was aged about 30, blond, with hair tied up at the back. I saw her today in Belsen Camp and I pointed her out to the British officer who is a Jewish minister. I have been told that her name is Irma Gresc. I have seen this woman commit many acts of brutality when we were paraded before her at appel or for the selection of working parties. I have seen her strike women about the face and body with a rubber truncheon and kick them. I have seen her draw blood and knock women senseless. I have heard her order that the women should be left unattended on the ground. These parades lasted from 2 to 3 hours. These acts were committed for not standing still at the parade or other trivial matters. If a person collapsed out of weakness she would kick and beat them. She was the worst of the women SS. There were two others who were not so bad and indeed sometimes helped. Many people were beaten on each parade and many people would collapse from weakness.

"Sworn by the above named Gitla Dunkleman this 9th day of May 1945 at Belsen Camp. (Sgd) Dunkleman, Gitla. Before me the said Major P. Ingress Bell. (Sgd) P. Ingress Bell.

"Certified that the above is an accurate translation of the evidence given by the said Gitla Dunkleman in my presence.
(Sgd) Charlotte Dischones."

The next one is page 23. This is a joint deposition and is simply corroborative of the last one.

(Joint Deposition of Rachela Brzustovska, Blanka Weinfield, Sara Weinfield and Sara Witz is marked Exhibit 27, signed by the President and attached to the proceedings)

COL. BACKHOUSE: Depositions of Rachela Brzustovska of Lidsmanstadt, Blanka Weinfield of Lidsmanstadt, Sara Weinfield of Lidsmanstadt and Sara Witz of Kalisz, sworn before me, Major P. Ingress Bell, D.A.A.G., Legal Staff, an officer of the staff of the Judge Advocate General to the Forces. (1) We are aged 20, 26, 20 and 27 respectively and are Jewesses of Polish nationality. We were transferred from Auschwitz to Belsen on 28th August 1944 and were at Auschwitz for about three weeks. At Auschwitz we lived in block 11, Camp C. ("") We have read the deposition of Gitla Dunkleman dated 9th May 1945 and corroborate what she there states. The head SS woman Irma Gresco has been seen by each of us striking women with a rubber truncheon until they were senseless, drawing blood and kicking women who had collapsed on parade from weakness. We say that this woman was a ferocious savage.

"Sworn by the above named Rachela Brzustovska this 11th day of May 1945 at Belsen. (Sgd) Brzustovska, Rachela. Blanka Weinfield, this 11th day of May 1945 at Belsen. (Sgd) Weinfield, Blanka. Sara Weinfield t is 11th day of May 1945 at Belsen. (Sgd) Weinfield, Sara. Sara Witz, this 11th day of May 1945 at Belsen. (Sgd) Witz, Sara. Before me the said P. Ingress Bell. (Sgd) P. Ingress Bell.

"Certified that the above is an accurate translation of the evidence given by the said Rachela Brzustovska, Blanka Weinfield, Sara Weinfield and Sara Witz in my presence. (Sgd) Charlotte Dischones."

The next one is by the same people, page 24. It is simply a short supplementary one recognising the woman, and for this one you want photograph S.G.C.16.

(Further joint Deposition of Rachela Brzustovska, Blanka Weinfield, Sara Weinfield and Sara Witz is marked Exhibit 28, signed by the President and attached to the proceedings)

COL. BACKHOUSE: "Further Deposition of Rachela Brzustovska (female) late of Lidsmantadt, Blanka Weinfield (female) late of Lidsmantadt, Sara Weinfield (female) late of Lidsmantadt, and Sara Witz (female) late of Kalisz, sworn before Major Savile Geoffrey Champion, Royal Artillery, Legal Staff, No.1 War Crimes Investigation Team. (1) Further to our deposition dated 11th May 1945 we have today been shown photographs of various SS women. We identify No.2 on photograph Z/4/2 as the woman Irma Gresco referred to in our previous deposition.

"Sworn by the said deponents, Rachela Brzustovska, Blanka Weinfield, Sara Weinfield, Sara Witz at Belsen this 5th Day of June 1945. (Sgd) Brzustovska, Rachela. Weinfield, Blanka. Weinfield, Sara. Witz, Sara. Before me. (Sgd) S.G. Champion, Major, R.A.

"I hereby certify that, the said deponent not understanding English, this affidavit was translated in my presence to the said deponent before swearing and I am satisfied that its contents were fully understood by the said deponents. Dated this 5th day of June 1945. (Sgd) S.G. Champion, Major, R.A.

"I hereby certify that I have accurately translated this affidavit to the said deponents. Dated this 5th day of June 1945. (Sgd) Freute Neumann, civilian interpreter."

The only thing I would like to draw attention to is another slight alteration of hair style. You may remember that in the first affidavit, the one of Dunkleman, she describes Grise as 30, blond, with hair tied up at the back, and if you will look at the photograph you will see how it was worn then, before the question of recognition came up.

MAJOR MURTON-NEALE: The next one is Etyl Eisenberg, page 25. The first accused referred to in this affidavit is referred to as Herta Linke. You will remember that was cleared up and it should be Herta Bothe.

(Deposition of Etyl Eisenberg is marked Exhibit 29, signed by the President and attached to the proceedings)

MAJOR MURTON-NEALE: "Deposition of Etyl Eisenberg, late of Brussels, sworn before me Major P. Ingress Bell, Major (Legal Staff) Judge Advocate General's Office. (1) I am 22 years of age and was arrested on 26th January 1943 for being a Jew and have been in various prison camps including Auschwitz (where my parents and brother were sent to the gas chamber) and Belsen where I was for two months before the English came. (2) Two or three days before the English came Oberscharfuehrer Theodore Huske (photo 9-2) came into the kitchen where there were some women. He was drunk and shot off his revolver wounding one in the upper part of the leg. (3) I worked in the kitchen at Belsen under Hans Ley (Photo 7-4). He was very cruel and often beat me and other girls with his fists usually on the head. (4) An SS woman Herta Bothe (Photo 25-5) -- that is S.G.C. 19.

COL. BACKHOUSE: You will remember that is the one Major Champion gave evidence about. (No.37, Herta Bothe, stands up.) *

MAJOR MURTON-NEALE: "An S.S. Woman Herta Bothe was in charge of the girls preparing the wood for the kitchen at Belsen. She was always beating girls with a stick. (5) Elizabeth Volkenrath (Photo 22-6) - that is S.G.C.9 - "used sometimes to come into the block and take away clothes and food from the women. She was very cruel and made a habit of beating them and pulling their hair. (6) Another SS woman Herta Ihlert (Photo 22-5) - S.G.C.9 - "used to deputise for Volkenrath if she was away and was also cruel and acted in the same way. (7) An SS man Kurt Raschack (Photo 24-6) was in charge of the dress store in Belsen and made life unbearable for the girls underneath him. (8) At Auschwitz there was a woman called Arbeitsdienstfuehrerin Hasso. She used to be in charge of the transport which took young girls to the gas chamber and could be seen laughing when she was on the cart with them and obviously enjoyed this part of her duties. She was about 26 to 28 years of age, of middle height, blonde hair, lips a little thick and walked like a man." *

"Sworn by me the above named Etyl Eisenberg this 6th day of May 1945 at Belsen Camp. (Sgd) Etyl Eisenberg. Before me the said Major P. Ingress Bell. (Sgd) P. Ingress Bell."

"Certified that I have accurately translated the evidence of the said Etyl Eisenberg as recorded in my presence. (Sgd) Charlotte Dischenes."

COL. BACKHOUSE: The next one is No.26. The only photograph involved is S.G.C.5.

(Deposition of Renee Erman is marked Exhibit 30, signed by the President and attached to the proceedings)

COL. BUCKHOUSE: "Deposition of Renée Erwan (female) late of 80 Rue des Lenilmontane, Paris, sworn before Captain Alfred James Fox, General List, D...P.M. 86 Special Investigation Section, C.I.L Police.

(1) I am 31 years of age and was arrested in Paris in April 1943 by the Germans because I was a Jewess. I was then taken to Drancy Prison in Paris and on 20th July 1943 I went to Auschwitz. I was transferred to Belsen on 25th January 1945." I do not propose to read paragraph 2.

"(3) On arriving at Auschwitz I worked as a nurse in the experimental laboratory in block 10. I was present on many occasions when SS Doctor Weber experimented by taking the blood from women for soldiers at the front. This process was often repeated until the person became very weak. He also took blood from a woman of one blood group which he injected into a woman of a different blood group. This often caused very serious illness. In one case a woman died in the laboratory due to this operation. This doctor also carried out experiments in rheumatism and I know that one woman had 45 injections, the doctor measuring the change of her heat. This made her very ill. Persons coming into Block 10 were always the fittest and sometimes up to 300 were in this block. They were kept whilst a course of experiments was carried out and then sent away. I should state that the camp in which this experimental block was situated was a men's camp and women were only brought there for experimental purposes. When they left this block they were sent to Bergenau, where a selection was made to find those fit for work. Most of the people who left this experimental block were not in a fit condition for work. I have been told by friends that these sick people were always sent to block 25 which meant that they subsequently went to the gas chamber.

"(4) I also know a Doctor Schumann (Schulmann) who experimented on young Greek girls (virgins) for sterilisation. These girls were taken to another block where they were subjected to very strong X-rays which resulted in their sexual organs being dried up. These operations did in fact sterilize these girls and many of the weaker ones died as a result of them. Those that survived were brought back in batches of 10 to 12 for inspection. They were again operated on and the female sex organs removed, which resulted in their deaths in 4 or 5 days. I did not myself see the actual operations performed but I did see the results as it was my duty to dress the wounds of the women. The girls who had these operations carried out on them only came to block 10 after the operation. The operations were carried out in a different block. I saw 4 Greek girls die as a result of operations by this doctor.

"(5) There was also an SS Doctor Wirtz. He used to experiment on women between the ages of 40 and 50 who were having their menopause, apparently looking for a kind of cancer, i.e. fibrum. He used to take part of the womb out for examination under the microscope. The women became very ill as a result of this. I did not see any of these operations carried out but heard of them from patients who had been experimented on, and nurses who were present at the operation. These operations were carried out in block 10 but not in my part of the block. Similar operations were carried out by Doctor Samuel, a prisoner.

"(6) There was also another SS Doctor by name Prof. Globberg who carried out experiments. This man was a famous doctor from Berlin. I have been present during his experiments and have seen him inject something into the womb of women and then place an electric plate on their stomachs. The current was then turned on. This was done while the patients were still conscious and no anaesthetic was used. This experiment did not take long but must have caused a great deal of pain to the person experimented on because I have heard them shout and cry in pain. Many found it impossible to walk afterwards and had to go to bed. None of these people died in hospital as a result of these experiments, but as I have said before it is certain that when they went to Bergenau they went

to the gas chamber as I am sure they could not work. Many prisoners who were in this block were very sick but tried not to show it as they knew they would be sent immediately to Berkenau and then to the gas chamber. Those that remained in the block had this experiment made on them two or three times. Four or five injections were also given to the prisoners by this doctor. The object, according to Prof. Globberg was to sterilize, but I cannot say whether it did in fact result in sterilization. Most of the doctor's experiments were carried out on the younger and more beautiful women so that when photographs were taken the best results were obtained. The photographs were of the lower part of the trunk and it is natural that from an experimental point of view they would be better on the young than the old. These photographs were taken 24 hours after the experiment. (7) Prof Globberg was assisted by an SS Doctor Gebols in these experiments. Gebols was also responsible for carrying out similar operations.

"(8) In the summer of 1944 I witnessed the public hanging of four women under the supervision of SS man Hessler whom I identify as No1 on photograph 9" - that is S.G.C.5 - "At this time Block 10 had been moved from the men's camp to a women's camp nearby and renamed block 1 women's camp. Hessler was in charge of this camp. The persons hung were accused of assisting other person to destroy the crematorium. Some explosives had been stolen from a store outside the camp and the four girls were the persons in charge of this store. They were therefore held responsible for the loss and were hung.

"(9) In Prison block 11 at Auschwitz were kept political prisoners including women and children. I myself have seen on many occasions batches of about 100 taken out naked and put against the wall and shot. The shooting was done by SS guards on the orders of Commandant Schwarz. (10) I recognise SS Dr. Klein in photo 9, No.5" that is the same photograph - "In my presence at Auschwitz he selected victims for the gas chamber." You will find his facial adornment is rather different on the photograph too.

"Sworn by the said deponent Renée Erman at Belsen this 26 day of May 1945. (Sgd) Renée Erman. Before me (Sgd) A.J. Fox, General List, Capt.

"I hereby certify that the said deponent not understanding English this affidavit was translated in my presence to the said deponent before swearing and I am satisfied that its contents were fully understood by the said deponent. Dated this 26th Day of May 1945 (Sgd) A.J. Fox, Capt.

"I hereby certify that I have accurately translated this affidavit to the said deponent. Dated this 26th day of May 1945. (Sgd) Charlotte Duschenes.

"The said deponent Renée Erman was at Belsen this 31st day of May 1945 examined by, and re-sworn before me, paragraph 10 having been added. (Sgd) Renée Erman. (Sgd) S.G. Champion, Major, R.A., No.1 War Crimes Investigation Team.

"I certify that I accurately interpreted at the examination Major S.G. Champion 31/5/45. (Sgd) Traute Neumann, Civilian interpreter

The next one, No.274, Bohumil Grohmann. I have been asked to stop at the end of the first paragraph for an objection. The photograph concerned will be S.G.C.4.

(Deposition of Bohumil Grohmann is marked Exhibit 31, signed by the President and attached to the proceedings)

"Deposition of Bohumil Grovann, 6 Bocova, Elice, Lipnik Nad Bocova, Czechoslovakia, sworn before me Major P. Ingress Bell, D.A.A.G., an officer of the staff of the Judge Advocate General to the Forces. (1) I am 40 years of age and I am of Czech-Slovakian nationality. I was arrested by the Germans on 28th April 1943 for refusing to go to work and after being in various prisons and working camps, I was sent to Klein-Bodungen about July 1944. On 9th April 1945 I was sent to Belsen."

CAPT. CORBALLY: Sir, I wish to object to the remaining part of this affidavit on behalf of the prisoner Dor and also, by agreement with my friend Capt. Fielden, on behalf of the prisoner Stofel. The grounds are that the evidence in this affidavit is irrelevant; it does not strictly tend to the proof or disproof of the charge. This affidavit purports to prove that certain crimes were committed at another concentration camp, and it also further purports to prove that more crimes of a similar nature were committed on a march which took place from the first camp mentioned to Belsen in the early part of April of this year. No part of the evidence given in the affidavit is actually connected with Belsen camp itself, and therefore, unless there are special reasons which allow the prosecution to put this in, it must be irrelevant on a charge which alleges that war crimes were committed by the accused whilst members of the staff of the Bergen-Belsen camp. They were not at the time when these offences were committed members of the staff of Bergen-Belsen camp and the crimes were not committed in the Bergen-Belsen camp.

The grounds upon which the prosecution may justify putting in this affidavit are, as far as I know, where it is necessary to prove design or system or a criminal intent on the part of the accused in respect of the charge with which they are charged, or where the accused puts up a defence of accident or the absence of guilty knowledge or intent. Up to now neither of these accused have put up any defence whatever, but the defence will be that they were not in the Bergen-Belsen concentration camp, and so far the prosecution have brought no evidence whatever to prove that these two accused were members of the staff of the Bergen-Belsen concentration camp.

As far as I can see, looking through the affidavits against my client and against Capt. Fielden's client, there is not any evidence which connects them directly with the Bergen-Belsen concentration camp. There is no evidence to prove that they were at any time members of the staff of that camp, and the mere fact that they were arrested at Belsen -- if they were; that has not been proved -- is not conclusive that they were members of the staff of that camp. Also I submit that the rule which says that the prosecution may, to prove criminal intent or malice, produce evidence which would otherwise be irrelevant will not apply here, because before you do that there should be some evidence to show that the persons who are alleged to have committed a crime were, in fact, connected with it in some way, and in this case we argue that they were not. In other words, you cannot produce evidence of acts committed elsewhere to prove a system or intent unless you can prove the culminating act with which the accused is charged, and in this case there is no evidence at all anywhere of Dor or Stofel having committed individual crimes in the concentration camp as members of the staff, or of ever being members of the staff at all.

It seems to be it may be argued that this is a case where the court could make a special finding under Rule 8(h) of Appendix E, and sub-section (iii) of paragraph (h) reads as follows: "Where the court are of opinion as regards any charge that the facts which they find to be proved in evidence differ materially from the facts alleged in the statement of particulars in the charge, but are nevertheless sufficient to prove the offence stated in the charge, and that the difference is not so material as to have prejudiced the accused in his defence, they may, instead of a finding of Not Guilty record a special finding." That appears to give the court vPUREhttps://www.legal-tools.org/doc/bf2554/

they can make a finding on facts which differ materially from the facts alleged in the particulars of the charge and be enabled to receive evidence on which to base that finding. I rely upon the words "that the difference is not so material as to have prejudiced the accused in his defence", and I say on behalf of Dor and Stofel that they would be prejudiced in their defence if this evidence was received in this case.

It is true that the evidence which we object to purports to prove that murders were committed on the line of march, and in the case of the other prisoners before this court they are all accused of murder of one kind or another, but I submit that there are considerable differences and I submit that the accused Dor and Stofel must be prejudiced if all the evidence concerning the Belsen trials is held against them whereas, in fact, all that affects them is certain crimes which are alleged to have been committed on a line of march. I submit there must be a difference - perhaps not a legal difference but a difference morally and from the point of view of military ~~nobots~~^{not} between crimes alleged to have been committed in the Belsen camp itself and the crime of shooting stragglers on a line of march. Undoubtedly to shoot a person who has surrendered to you, or any other type of prisoner for whom you are responsible, is a war crime, but the court must use its military knowledge in this matter, and the argument from the point of view of the accused is that this crime could have been justified by military necessity. If you have to cover a certain distance every day and if you do not shoot stragglers and you are going through country almost a battle ground what are you going to do with them?

At all events, we do submit that this is not a case in which the court ought to make a special finding. We submit the accused will be prejudiced in his defence if he were charged on this charge along with the Belsen trials.

COL. BACKHOUSE: I put it a number of ways, but I say at once in regard to paragraph two that it relates to something which happened somewhere else, and at that time there is no allegation that these men were on the staff of Belsen, and the only part I would have put in with regard to paragraph 2 is the part with regard to identification.

With regard to the remaining paragraphs, in the first place I put it this way: these men were on the staff of the Belsen concentration camp at the time. We always have the same difficulty where somebody leaves his unit and goes to another unit, and it has always been the practice to change them as belonging to the unit to which they are posted and not the unit which they started from. The offences which are alleged, or will be alleged, are on the line of march, having left a previous unit going to Belsen.

My friend says there is no evidence at all that these men were on the staff. Of course there is not yet because it has not gone in. But if it does then, in my submission, there will be evidence of offences when they were taking a transport to Belsen. You have already got a statement from Kramer that the guards who brought the transports became a part of his staff and remained with him. That was in the statement read yesterday. In the first place I would put it that they are on the staff of the concentration camp.

In indictments for offences committed during a journey it has always been held that the venue can be laid at any point. This venue, it will be proved, finished at Belsen, and, in my submission, it could be properly laid at Belsen.

The last way in which I would put it is, as I say, these two men form part of the staff of this concentration camp, and as I have tried

to indicate all along my case throughout is that all these people are guilty equally of the incidents which arose in this concentration camp, and what I am doing is to point out to the court this evidence, to show that individual persons acquiesced in what was going on by pointing to his own acts in acquiescing in this system, and on any one of those grounds I would submit that the rest of this affidavit is admissible.

CAPT. CORBALLY: I would answer the learned prosecutor's first point that the accused were technically on the staff of the Belsen camp as soon as they left the other camp in this way. All the accused are being tried in a mass trial for committing acts for which they are collectively responsible at Belsen. That is the basis of this mass trial. How could these two accused know anything at all about the conditions of Belsen and be responsible for those conditions till they arrived and could see what it was like. It may technically be the case in the German army that as soon as you start on a journey your posting order goes ahead of you and you become posted to the place before you actually get there. It is really a technical point and does not go to the bases, in my submission, that the accused had no responsibility whatever for the conditions in Belsen camp.

COL. BACKHOUSE: On that last point, if I may -----

THE JUDGE ADVOCATE: You have not any right to, but if you ask the court -----

COL. BACKHOUSE: What I am trying to prove in this evidence is that they

did get to Belsen. That is the evidence I want to put in.

SUMMING-UP ON SUBMISSION.

THE JUDGE ADVOCATE: May it please the Court. I think you appreciate that no man can be convicted of a charge which has not been preferred or put before the Court. If evidence is called in relation to a charge which is not before the Court, it is rejected unless it is relevant for some specific reason which the law allows.

I think I ought to draw your attention to the wording of the particulars of the first charge. It sets out the names of the accused and then it goes on to say that they are charged with committing a war crime in that they at Bergen-Belsen, Germany, between 1st October 1942 and 30th April 1945 when members of the staff of Bergen-Belsen Concentration Camp responsible for the well being of the persons interned there, in violation of the law and usages of war were together concerned, etc.

As regards a special finding, if you are satisfied that these men were on the staff of Bergen-Belsen Concentration Camp at the time now being considered, and that they were responsible for the well being of persons interned there, I should be prepared to advise you that if you thought it right, it would be within your province to say that you would not find the charge bad as regards those men because it occurred on the way to Bergen-Belsen and not in Bergen-Belsen itself: that is to say, you would find the charge proved as regards those men with the exception that it was on the way to Bergen-Belsen.

The main point as far as I can discern it appears to be whether you are going to say that the substance of that charge has been made out. The difficulty is, of course, that the prosecution are going to say that it has been made out by reason of this affidavit which you have not yet seen, and it seems to me that you will have to read that affidavit and consider what it says. Then if you decide not to admit it you will have to reject it, and if you decide to admit it then you will use it.

As I understand it, it appears that a kind of march of people began from one place to another in a comparatively short time during which, I gather, it is alleged that those two accused had some special duties in connection with the people they were taking. I do not really think you want much assistance from me. It is for you to consider, and I think you will have to look at the affidavit in order to determine whether it is fair to say that in substance you are satisfied that these two men were members of the staff of Bergen-Belsen Concentration Camp, and that they were responsible for the well being of the persons interned therein.

In other words, the prosecution say although physically they were not at Belsen, that is where they were going. They had to deliver their convoy there and it is reasonable for you to say that in substance the charge has been made out and that they were on the staff of Bergen-Belsen Concentration Camp. If they were not on that staff on whose staff were they at the time? It is a matter for you to decide.

As regards the people themselves when they were in a state of transition going to Belsen, it is for you to decide whether it is proper to hold, within the meaning of the charge, that they were persons interned in Bergen-Belsen. They were undoubtedly going there and that is where they would have finished up if they had continued to the end of their journey.

There is nothing I can add on the law. Authorities have been quoted to you by the defending officer, and I agree with what he told you that there cannot be design or system or intent as regards matters which are not charged unless you have something which is charged and proved, and you want to use those other matters to throw some light on the question.

I suggest that you close the Court and consider your decision in this matter. I am bound to advise you that you must look at the affidavit, and when you have read it and given what weight you think fit to it, you must decide whether or not it does support the allegations in the particulars of the charge. If it does not then, of course, you should direct that you will not use it against the accused and that it will not be considered as evidence against either of those men. On the other hand, if you think it is right to use it then, of course, you will take it into account like any other piece of evidence called in this case.

THE PRESIDENT: The court will close to consider the submission and will reassemble at 14.30 hours.

(At 12.45 hours the Court adjourns)

(At 14.30 hours the Court reassembles)

The accused are again brought before the Court.

THE JUDGE ADVOCATE: Captain Corbally, the Court have carefully considered your submission, but they have decided that they will admit in evidence this Deposition with the exception of paragraph 2. That, of course, does not prevent you, if you wish to do so, attacking the weight which should be attached to this particular deposition.

COLONEL BACKHOUSE: I will omit para. 2 with the exception of the first half sentence. "At the beginning of March 1945 SS man Rapportfuhrer Wilhelm Dor, whom I identify as No. 6 on photo 7" - that is photograph S.G.C.4. (Accused No. 27, Wilhelm Dor stands up). Now I will omit the rest of that paragraph. It goes on: "On April 5th 1945 I was one of a party of about 650 prisoners of mixed nationalities who set out to march to Delsen. SS men Franz Stofel whom I identify as No. 3 on photo 7" - that again is photograph S.G.C.4 (accused No. 25, Franz Stofel, stands up) - "was in charge of the party, the second in charge was the said SS man Dor. There were also about 40 other SS men. The march lasted, I think, until the 9th April and we travelled through Herzberg, Braunschweig, Poinc and Celle.

"(4) On the evening of 5th April near a stable somewhere between Herzberg and Braunschweig I saw the said Dor shoot two of six men who had escaped from a party of prisoners from Nordhausen. The bodies were buried near the stable.

"(5) Next morning the said Dor shot the other four men and their bodies were left underneath some straw in the stable.

"(6) From that time onwards the said Dor began to shoot all stragglers. All the prisoners had been able to keep the pace during the first two days but by this time some had trouble with their feet and were being given lifts in hand drawn carts. Whenever the said Dor caught them doing so or straggling behind he shot them, usually just off the road, in a wood or space and left the bodies where they were shot. I cannot remember exact details of each individual shooting but I saw him shoot at least 46 prisoners in all. The other SS men did not take part in the shooting nor did the said Stofel though he did see Dor shoot the prisoners and made no objection. The only prisoner I can identify was a Frenchman named Marcolli, who came from Paris.

"(7) On arrival at Delsen station nine prisoners were caught in the act of stealing swedes. One of the men shot was a Pole named Ludislav Stelpe. The SS man was a Slovak, aged 22, 1.7 metres tall, medium build, long fair hair brushed straight back, fresh complexion, broad nose and blue eyes.

"(8) I calculate that some 65 men in all were killed during this march, 5 escaped. If I was taken along the route I followed I think I could point out the various places at which men were shot by Dor and where their bodies can be found.

"Sworn by the above named Bohumil Grohmann this 9th day of May 1945 at Delsen Camp. (Sgd) Bohumil Grohmann. Before me the said P. Ingriss Bell. (Sgd) P. Ingriss Bell.

"Certified that the above is an accurate translation of the evidence given by the said Bohumil Grohmann in my presence. (Sgd) Charlotte Duschones".

The next deposition is No. 30, Jekel Gutman, but you will see, if you look at that one that what he virtually says is that he corroborates the affidavit of someone else, and so I think both affidavits will have to go in, although in fact, of course, I called the other man in person, Simcha Zamoski. What he is virtually saying is: "I adopt the affidavit of Zamoski".

THE PRESIDENT: Yes: "I have today heard the deposition of Simcha Zamoski".

THE JUDGE ADVOCATE: Will you put that one in first, then ?

COLONEL BACKHOUSE: I think it should go in in a sense as an adjunct to Gutman's affidavit. I do not ask you to accept it in lieu of the evidence of Zamoski, but only insofar as Gutman corroborates it.

THE PRESIDENT: So you are putting in Simcha Zamoski as the first ?

COLONEL BACKHOUSE: No, I am putting in Gutman with Zamoski.

THE JUDGE ADVOCATE: I should put them in together.

COLONEL BACKHOUSE: Yes, I think that would be best.

(Deposition of Jekel Gutman, to which is attached the deposition of Simcha Zamoski, is marked Exhibit "32", signed by the President and attached to the proceedings).

CAPTAIN FIELDEN: I wish to object to the admission of a certain portion of Gutman's affidavit, and to a very substantial portion of the affidavit made by Simcha Zamoski. As regards the affidavit of Gutman I object to the admission of para. 2. That paragraph virtually corroborates the evidence of Simcha Zamoski, which is affidavit No. 179, and Zamoski has already appeared before the Court in person. In the affidavit on page 179 certain allegations are made which were not in fact made by the witness himself when he was before the Court.

COLONEL BACKHOUSE: If my friend is talking about para. 3 of Zamoski's affidavit, I will leave it out.

CAPTAIN FIELDEN: And will you leave out para. 2 of Jekel Gutman ?

COLONEL BACKHOUSE: No.

CAPTAIN FIELDEN: I submit that as para. 2 is corroborating evidence, or an attempt at corroboration of evidence which has not been put before the Court by the witness in person, it is an attempt to corroborate virtually nothing at all.

COLONEL BACKHOUSE: All I want is the fact that I identify him as an SS man who was at Dora and Bolson camps.

CAPTAIN FIELDEN: In my submission, the fact or any attempt to identify any of the accused as being at Dora is quite irrelevant.

COLONEL BACKHOUSE: The whole point is to identify the man. For the purposes of argument, if I was at the bar in Manchester for 20 years with a friend, and then two days here, it would be important for the Court to know I had known him for 20 years before I came here, if I am trying to identify him.

THE PRESIDENT: Do I understand that it is agreeable to both of you, and that you do not intend to put in para. 3 of Zamoski ?

COLONEL BACKHOUSE: That is right.

THE PRESIDENT: How much do you want to put in of the affidavit of Gutman ?

COLONEL BACKHOUSE: I want to put in the first three sentences of para. 2, and then I am prepared to leave out the next two sentences. I merely want to get the man identified.

CAPTAIN FIELDEN: And the remainder of that paragraph?

COLONEL BACKHOUSE: And the remainder of that paragraph I will leave out, yes.

CAPTAIN FIELDEN: I still submit that any attempt to produce evidence that any of the accused were at Dora is quite irrelevant.

THE JUDGE ADVOCATE: On identity I think it is relevant.

COLONEL BACKHOUSE: That is the only ground on which I put it forward. I am not trying to say what he did at Dora; I am merely trying to prove who he is.

(The Court confer).

THE PRESIDENT: The Court are prepared to hear the affidavit. I understand that in Gutman's affidavit you will only go down as far as "one of the cookhouses", in paragraph 2?

COLONEL BACKHOUSE: I shall go down to: "his name is Anchor Pinchen". I am prepared to stop there and go straight on to paragraph 3.

THE PRESIDENT: The Court is prepared to hear that.

COLONEL BACKHOUSE: The photographs concerned are S.G.C.3 and S.G.C.1. This one of the photographs I particularly want to draw the attention of the Court to in regard to the alteration in this man's appearance since the photograph was taken, and in this case I do not think the growing of a moustache is on medical grounds.

THE JUDGE ADVOCATE: To which accused are we now directing our attention?

COLONEL BACKHOUSE: Linchen. (Accused No. 22, Anchor Linchen, stands up).

CAPTAIN FIELDEN: In view of the Prosecutor's last remark, directed towards the growing of the moustach by this particular accused, I think I ought to direct the Court's attention to the fact that even on the photograph which is now before them there is some suggestion of a moustache which, I submit, is more than 5 o'clock shadow.

THE PRESIDENT: Very well.

COLONEL BACKHOUSE: "Deposition of Jekel Gutman (male) late of 46 Kowalzka, Zwolen near Radom, Poland, sworn before Captain Alexander Mackinlay Forbes, Royal Artillery, Legal Staff, No. 1 War Crimes Investigation Team. (1) I am 20 years of age and because I am a Jew I was arrested by the Germans on 15th November 1942 and taken to Camp Skarziko where I remained until I was transferred to Czenslochan Camp, in the winter of 1944/45 to Dora Camp and finally to Belsen in April 1945. (2) I have today heard the deposition of Simcha Zamoski referring to atrocities at Dora and Belsen Camps. I identify No. 3 on the photograph No. 5 as an SS man who was at Dora and Belsen Camps. At Dora this man was in charge of the bath-house and at Belsen he was in charge of one of the cookhouses. I have now been told that his name is Anchor Pinchen" - now I will leave the rest of that paragraph. We now turn to Calleson ----

THE JUDGE ADVOCATE: What do we do about affidavit No. 179?

COLONEL BACKHOUSE: I will read that as soon as I have finished this one, or would you rather I read it now?

THE JUDGE ADVOCATE: I would rather you read everything that relates to Pinchen at once.

COLONEL BACKHOUSE: Very well. This is No. 179: "Deposition of Simcha Zamoski (male) late of 46 Tagova, Kozenziche, near Radom, Poland, sworn before Captain Alexander Mackinlay Forbes, Royal Artillery, Legal Staff, No1. War Crimes Investigation Team.

"(1) I am 20 years of age and because I am a Jew I was arrested on 15th November 1942 and taken to Camp Skarzisko where I remained until I was transferred to Solejo Camp in June 1943. In August 1944 I was transferred to Czenslochan Camp, in the winter of 1944/45 to Dora Camp and finally to Belsen in April 1945.

"(2) I identify No. 3 on photograph No. 5" - that is the same person again - "as an S.S. man at Dora and Belsen Camps. At Dora this man was in charge of the bath-house and at Belsen he was in charge of one of the cookhouses. I have now been told that his name is Anchor Pinchen". (Accused No. 22, Anchor Pinchen stands up),

You will remember that Zamoski gave evidence in person, and when asked to recognise people in the dock he did not recognise this man. That is why I draw your attention to the change in his hair and the fact that he now has a moustache. I will also draw your attention to his ears, which are shown on the photograph plainly ----

THE JUDGE ADVOCATE: Just a minute; the member on my right says he is not satisfied he can recognise him.

COLONEL BACKHOUSE: The particular points to which I invite his attention are his ears, his eyes ----

THE JUDGE ADVOCATE: You want to connect this up with the evidence given by one of the witnesses called by the Prosecution; is that the idea ?

COLONEL BACKHOUSE: No.

THE JUDGE ADVOCATE: What is the point of this ? I have not got it.

COLONEL BACKHOUSE: I was reading the affidavit of Gutman. He says, "I have heard the deposition of Zamoski", so I have now read the portion of the affidavit of Zamoski upon which I rely. You will remember that Zamoski has given evidence in person. What I am pointing out to the Court, as I thought I ought, is that Zamoski did not in fact recognise this man in the dock. But I am further saying that in my submission he has at least altered his appearance quite considerably since the time when the photograph was taken and which was presumably since the time when Zamoski knew him before, but a careful examination of the photograph I suggest shows it is quite obviously the same person, in spite of the fact that he has altered his appearance.

THE JUDGE ADVOCATE: Blame me if you will, but I am getting very confused. I understand that you are now putting before the Court two affidavits ?

COLONEL BACKHOUSE: Yes.

THE JUDGE ADVOCATE: Which, if they are accepted, relate to Anchor Pinchen ?

COLONEL BACKHOUSE: Yes.

THE JUDGE ADVOCATE: My note, as far as I have got it, is that Zamoski did speak about the man in the bath-house and so on, but he did not go on to make any allegations against anybody.

COLONEL BACKHOUSE: I did not let him, because he did not recognise the man in the dock.

THE JUDGE ADVOCATE: Then where do we get ? As he did not make any allegation

against anybody, all you are now proving is that a man called Pinchen was in the bath-house at Dora and in the cookhouse at Belsen.

COLONEL BACKHOUSE: That is all I want to prove.

THE JUDGE ADVOCATE: There is something further to come?

COLONEL BACKHOUSE: Yes, quite a lot. I want to make it clear that this is Anchor Pinchen, the man in the bath-house at Dora and in the kitchen at Belsen. When Zamoski came and looked round at that time I forgot to say I had not compared Pinchen's appearance with the photograph, or I would have asked whether his moustache could be shaved off before identification was made. But Zamoski failed to recognise him, and so naturally I did not take Zamoski through any evidence; it would not be right that I should.

THE JUDGE ADVOCATE: You want to use this for some future affidavit.

COLONEL BACKHOUSE: Later on you will hear more evidence about it. I merely want to get it plain from this affidavit that that is the man in the bath-house at Dora - I am not going into what happened in the bath-house at Dora at all - and later in the cookhouse at Belsen.

Gutman's affidavit goes on: "I identify No. 4 on photograph No. 1 as an S.S. man who was at Dora and Belsen Camps". That is photograph S.G.C.1 (Accused No. 19, Otto Calleson, stands up). "I have now been told that his name is Otto Calleson. I corroborate in detail the sworn deposition by the said Simcha Zamoski insofar as it refers to the activities of Otto Calleson. I was also present at the time that these incidents took place and I am therefore able to say of my own knowledge that the facts referred to in the deposition of the said Simcha Zamoski are true."

"Sworn by the said deponent Jekel Gutman at Belsen this 19th day of June 1945. (Sgd) Gutman, Jekel. Before me (Sgd) Alexander Mackinlay Forbes, Captain."

"I hereby certify that, the said deponent not understanding English, this affidavit was translated in my presence to the said deponent before swearing and I am satisfied that its contents were fully understood by the said deponent. Dated this 19th day of June 1945 (Sgd) Alexander Mackinlay Forbes, Captain."

"I hereby certify that I have accurately translated this affidavit to the said deponent. Dated this 19th day of June 1945. (Sgd) No. 1348612 Cpl. Aitchinson, H., 21 Army Group Interpreterool".

Now we must turn back again to the other affidavit to see what he corroborates. It is paragraph 4 of the affidavit of Zamoski on page 129. You will appreciate that most of this has already been given in evidence, but of course Mr. Gutman was not here to hear it, and he only heard what was said on the previous occasion, and that is why it has got to be read again.

THE JUDGE ADVOCATE: I have got to get on my note what is in the affidavit of Zamoski.

COLONEL BACKHOUSE: I should think if you made a note that it is paragraph 4 of page 179 that would have it on your note. I think it is fair to say it is virtually identical with the evidence he gave in the box.

THE JUDGE ADVOCATE: I am prepared to do that. In due course, when I sum up this case, I will remind the Court of the evidence which was given by Zamoski briefly, than I will invite them to consider what was said in his affidavit as being adopted as evidence for this other affidavit we are dealing with.

COLONEL BACKHOUSE: Paragraph 4 of Zamoski's affidavit reads as follows: "I identify No. 4 on photograph 1 as an S.S. man who was at Dora and Belsen Camps. I have now been told that his name is Otto Calleson (Kulessa). This man was in charge of the transport in which I travelled from Dora Camp to Belsen and which arrived about 7th April 1945. During the journey which took six days officially we did not get anything to eat or drink. A little food was given to Christians and some of the better S.S. did give the Jews a little. In my overcrowded railway wagon about 50 died during the journey. I asked Calleson if he would have the dead taken out but he refused and said that all of us would be dead by the time we got to Belsen. On arrival at Belsen we were detailed to our various blocks. Calleson stood at the door of my block and beat prisoners, who were too weak to move quickly, with an iron bar. Many men fell down and I know that some of them were so seriously injured that they had to be taken to hospital the next morning. Amongst them was my friend Loibl Maidan from Wurka, near Warsaw. When I went to see him on the second day after our arrival the Warden in the hospital told me that he was dead. His death was undoubtedly due to the blows he received from Calleson".

MAJOR MURTON-NEALE: Page 31 is the next one, Mrs. Vera Fischer.

(Deposition of Mrs. Vera Fischer is marked Exhibit "33", signed by the President and attached to the proceedings):

"Deposition of Mrs. Vera Fischer late of Novo Mesto n/Vahem, Slovakia, sworn before me Major Geoffrey Smallwood, Major (Legal Staff) Judge Advocate General's Office.

"(1) I am 23 years old and was first arrested in April 1942 for being a Jew. My mother was sent to the gas chamber at Auschwitz. My father was beaten to death there and my husband was sent to a concentration camp in Poland and I have not heard of him since. I came to Belsen in February 1945.

"(2) At Auschwitz in July 1942 Volkenrath (photo 22-6) - that is photograph S.G.C.9. (Accused No. 7, Elizabeth Volkenrath stands up). "was a SS Blockfuhrerin of the hospital there. One day I had pains and could not stand upright so she beat me so severely that I was in hospital for three weeks.

"(3) At Auschwitz in December 1942 I had a French girl friend whose mother was selected for the gas chamber. My friend asked to go too but Emmerich said 'You are healthy'. He then, however, proceeded to beat her so that she became ill and he sent her also to the gas chamber.

"(4) At Auschwitz an SS woman whom I identify as Bormann (photo 19-3) - that is photograph S.G.C.8. (Accused No. 6, Juana Borman, stands up) - "used to be in charge of women prisoners working outside the camp. She used to have a large dog (?wolfhound) which she used to set on the women if they became weak and unable to work properly. Many of them were taken to hospital and died of blood poisoning. Many others were sent to Block No. 25 which always meant that they went to the gas chamber.

"(5) At Belsen about a week before the English came (15th April 1945) I saw an SS cook whom I identify as Jenner (photo 24-4) deliberately fire a rifle from the road into the windows of a living block (No. 222) and shoot dead a Hungarian nurse called Anna Kis, aged about 30 years. She had done nothing and the only reason for jealous action was that shortly before another girl had taken some food from the kitchen and had gone into the same block.

"Sworn by me the above named Vera Fischer this 5th day of May 1945
at Belsen Camp. (Sgd) Vera Fischer, Before me the said Major Geoffrey
Smallwood. (Sgd) Geoffrey Smallwood, Major.

"Certified that I have accurately translated the evidence of the
said Vera Fischer as recorded in my presence. (Sgd) Traute Neumann".

THE JUDGE ADVOCATE: Jenner is not before the Court, is he ?

COLONEL BACKHOUSE: No, he was one of the people who was too ill.

THE JUDGE ADVOCATE: He is in the charge.

COLONEL BACKHOUSE: Yes.

THE JUDGE ADVOCATE: What do we do about that ?

COLONEL BACKHOUSE: He is one of the people who, you remember, we struck
out of the charge because he was unfit to stand trial.

THE JUDGE ADVOCATE: What about Anna Kis, she is in the charge.

COLONEL BACKHOUSE: I really do not think that matters. I have tried to

make it very clear that my case is that these people are working together

in concert and that the individual evidence is merely to show that they were

part of the general scheme of things. The fact that Anna Kis was shot

by one or other of them is, to a certain extent at least, immaterial.

THE JUDGE ADVOCATE: Very well.

MAJOR MURTON-NEALE: The next one is on page 33, the deposition of Halina Furstenberg.

(Deposition of Halina Furstenberg is marked Exhibit 34, signed by the President and attached to the proceedings.)

MAJOR MURTON-NEALE: "Deposition of Halina Furstenberg (female) late of 29, Sientawicza, Plock, near Warsaw, Poland, sworn before Major Savile Geoffrey Champion, Royal Artillery, Legal Staff, No. 1 War Crimes Investigation Team.

"1. I am 22 years of age and in autumn 1942 I was moved with other Jews living at Sientawicza to Starachowice, a small town reserved for Jews only. In autumn 1943 I was moved into a labour camp on the outskirts of Starachowice and made to work in a munition factory. In the late summer of 1941 I was moved to Berkonau where I remained until I came to Belsen in November 1944.

"2. Whilst at Belsen camp I was in Block 27 and the assistant Block Altester was a Polish Jewess named Helena Kopper. She was cleaner for this block. We later moved to Block 205 and after that to Block 224; in both these blocks I acted as cleaner. Kopper became Block Altester in Block 205 and later in Block 224 camp policewoman for a week, relinquishing her job as Block altester.

"3. I have frequently seen Kopper beat other women prisoners. These beatings usually took place in the block round about the time that Appels were being held. She beat prisoners because they did not hurry on to Appel or because they hurried away to their blocks after Appel. She also beat prisoners for trifling offences such as speaking or moving on Appel. She usually beat prisoners with a stick but at other times a leather strap was used, or she picked up anything and beat the prisoners on the head and all parts of the body. When she picked on someone for a beating she beat them again and again. On several occasions when an Appel was on she made old women kneel on the ground, usually for speaking or something of that nature. She rarely made a young person kneel - it was always an old woman. Apart from the incident mentioned in paragraph 6 hereof I cannot remember any other specific instance directly involving death due to beatings administered by Kopper. I know, however, that Kopper beat several other women, who subsequently died, but I am not able to say whether the deaths were due to beatings or not. I believe that the beatings certainly contributed to death. The victims were starved and in ill health at the time of the beatings and the beatings were such as to endanger life in persons in this condition.

"4. On one occasion in January, 1945, during very cold weather Kopper made a Polish Jewess aged about 45 years, I do not know her name, kneel on the ground for half an hour. This was because the woman had spoken while on parade. Two S.S. women on the parade said, after the woman had knelt a short time, that it was enough, but Kopper said: 'She must learn to stand at Appel', and made the old woman continue to kneel. Sometimes when she was in a bad mood she came into the room and beat women for no apparent reason.

"5. Once when Kopper was camp policewoman I saw other Block Altesters beating her. I asked them what it was for and they told me that they had beaten her because she had given information to the S.S. that they were in possession of jewellery, even though they were not. This was apparently an attempt to get them into trouble. I was told that the S.S. instead of finding jewellery on the blockleaders had found a gold chain and locket on Kopper and they had told the blockleaders to beat her. She was later put in the bunker. The locket she wore had a photograph in it of an S.S. man named Roman Svistal with whom Kopper kept company. I have seen them in bed together.

"6. I remember an occasion when there was a Polish Jewess aged about 30 years sick in the block. I cannot remember this woman's name. This woman missed her food one day and she went to Kopper and asked her for it. Instead of giving her food Kopper beat her again and again over the head with a leather strap. When the woman fell to the ground unconscious Kopper continued to beat her. The woman remained unconscious for an hour and after regaining consciousness kept lapsing into unconsciousness. She suffered from concussion. Three or four days after she had been beaten by Kopper this woman died. I saw this beating, and I saw the woman die. I also saw other prisoners take the woman's body out of the block."

"7. I saw at the office of No. 1 War Crimes Investigation Team, Belsen, on 15th June, 1945, a woman whom I recognise as the said Helena Kopper.

"Sworn by the said deponent Halina Furstenberg at Belsen this 16th day of June, 1945. (Signed) Halina Furstenberg, before me (Signed) S.G. Champion, Major. R.A.

"I hereby certify that, the said deponent not understanding English, this affidavit was translated in my presence to the said deponent before swearing and I am satisfied that its contents were fully understood by the said deponent. Dated this 16th day of June, 1945. (Signed) S.G. Champion, Major. R.A.

"I hereby certify that I have accurately translated this affidavit to the said deponent. Dated this 16th day of June, 1945. (Signed) Traute Neumann, Civilian Interpreter."

COL. BACKHOUSE: The next one is on page 37, the deposition of Wilhelm Grunwald. The photographs involved are 2, 10 and 17, but 17 does not matter.

(Deposition of Wilhelm Grunwald is marked Exhibit 35, signed by the President and attached to the proceedings.)

COL. BACKHOUSE: "Deposition of Wilhelm Grunwald (male) late of Kosiche, Czechoslovakia, sworn before Major Savile Geoffrey Champion, Royal Artillery, Legal Staff, No. 1 War Crimes Investigation Team.

"1. I am 17 years of age and as a Jew was arrested in May, 1944. I was taken to Berkenau concentration camp which I left on 18th January, 1945, and after passing through several camps arrived at Belsen on 14th February, 1945.

"2. About 10th April, 1945, whilst at Belsen I saw two prisoners crawl through a hole in the wire surrounding kitchen No. 2. They were attempting to steal some carrots piled up there. Before the two prisoners could reach the pile I saw an S.S. man whom I recognise as No. 3 on photograph 3 shoot at them with his pistol and the prisoners fell." That relates to photograph S.G.C.2., accused No. 18. (The accused No. 18, Fritz Mathes, stands up.) "I have now been told that this S.S. man's name is Fritz Mathes. About twenty minutes later I saw other prisoners collect the two prisoners who had been shot and were lying on the ground and carry their bodies away to a pile of corpses. I have no doubt that the men were killed by Mathes."

* "3. I recognise No. 5 on photograph 25 as an S.S. woman at Belsen" That relates to photograph S.G.C.10, accused No. 37. (The accused No. 37, Herta Bothe, stands up).

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"I have now been told that her name is Herta Bothe. Between 1st and 15th April, 1945, I saw several very weak female prisoners carrying a food container from the kitchen to the block. As it was filled and very heavy the women could not stand the weight and put it down to rest. At that moment I saw Bothe shoot at the two prisoners with her pistol. They fell down but I cannot say whether they were dead or wounded, but as they were very weak thin and under-nourished I have no doubt that they died."

I do not think it is worth reading the last paragraph, unless the defence want it?

"Sworn by the said deponent Wilhelm Grunwald at Belsen this 4th day of June, 1945. (Signed) Grunwald, Wilhelm. Before me (Signed) S.G. Champion, Major. R.A.

"I hereby certify that, the said deponent not understanding English, this affidavit was translated in my presence to the said deponent before swearing and I am satisfied that its contents were fully understood by the said deponent. Dated this 4th day of June, 1945. (Signed) S.G. Champion, Major, R.A.

"I hereby certify that I have accurately translated this affidavit to the said deponent. Dated this 4th day of June, 1945. (Signed) Traute Neumann, Civilian Interpreter."

CAPT. STEWART: The next one is No. 39.

THE PRESIDENT: Are these the same lot of photographs each time?

COL. BACKHOUSE: Yes. There were about six sets but they were all the same.

CAPT. STEWART: The next one is No. 39, the deposition of Stanislav Halota.

(Deposition of Stanislav Halota is marked Exhibit 36, signed by the President and attached to the proceedings.)

CAPT. STEWART: "Deposition of Stanislav Halota (Male) late of Janovavola 2, Cracow, Poland, sworn before Major Savile Geoffrey Champion, Royal Artillery, Legal Staff, No. 1 War Crimes Investigation Team.

"1. I am 26 years of age and I was arrested on 15th November, 1939, because I went away from my home town during the invasion of Poland by the Germans. I was taken to the prison at Tarnov and on 17th January, 1943, I was transferred to Auschwitz. On 13th March, 1943, I was transferred to Oranienburg - Sachsenhausen and I came to Belsen on 3rd February, 1945.

"2. I identify No. 3 on photograph No. 5 as an S.S. man at Belsen who was in charge of Kitchen No. 1. I have now been told that his name is Anchor Pinchen." That is photograph S.G.C. 3. "I was in a working party which had to carry containers of soup from Pinchen's kitchen to the women's camp. On 13th April, 1945, I was waiting outside the kitchen for the containers when two male prisoners started to take some turnips from a pile outside the kitchen. Pinchen was standing outside the kitchen and saw the men taking the turnips. He immediately pulled out his revolver and shot at them both from a distance of about 25 metres. The two men fell to the ground and Pinchen walked away. I saw the whole incident including the shooting. This incident occurred about 12 noon and at about 4 o'clock that afternoon I was outside the kitchen when the Toten-kommando appeared. The two bodies were still lying on the ground and I assisted the totenkommado to put the bodies on a stretcher. They were both dead. One of them had been hit with a bullet at the back of the neck. The bullet which hit the other man had penetrated his body under the right shoulder-blade and had come out of his body through the left chest.

"Sworn by the said deponent Stanislav Halota at Belsen this 16th day of June, 1945, (Signed) Stanislav Halota. Before me (Signed) S.G. Champion, Major, R.A.

"I hereby certify that, the said Deponent not understanding English, this Affidavit was translated in my presence to the said deponent before swearing and I am satisfied that its contents were fully understood by the said Deponent. Dated this 16th day of June, 1945. (Signed) S.G. Champion, Major, R.A.

"I hereby certify that I have accurately translated this Affidavit to the said deponent. Dated this 16th day of June, 1945, (Signed) Traute Neumann, Civilian Interpreter".

COL. BACKHOUSE: The next one is No. 42, the deposition of Josef Hauptman.

(Deposition of Josef Hauptman is marked Exhibit 37, signed by the President and attached to the proceedings.)

MAJOR MUNRO: I object to the first paragraph of No. 42 on the grounds that it took place at a camp other than Belsen or Auschwitz.

COL. BACKHOUSE: I do not mind; I will not read that. I will simply read the third paragraph. My friend agrees that I read down to the 11th May in paragraph one.

"Deposition of Josef Hauptman late of Fichowa, 6, Prague, 1. sworn before me Major P. Ingress Bell, D.A.A.G., Legal Staff, an officer of the staff of the Judge Advocate General to the Forces.

"1. I am 36 years of age and of Czecho-Slovakian nationality. I was a manufacturer in Prague and was arrested for failing to produce good and sufficient quantities for the Germans. I was arrested in December, 1943, and finally sent to Dora Camp Nordhausen on 11th May, 1944.

I go straight to paragraph 3: "On 4th April, 1945, 10,000 workers were transferred to Belsen. The journey took about five days and over 100 died due to the conditions and a number were shot en route. Attached to the train was an ambulance wagon in which the sick were carried. There were still 9 of these alive when we arrived at Bergen station. Whilst I was there the S.S. man Hessler came up and gave instructions that the 9 sick persons were to be shot. I did not see them shot but I never saw them again.

"Sworn by the above named Josef Hauptman this 9th day of May, 1945, at Belsen Camp. (Signed) Hauptman, Josef, before me the said P. Ingress Bell (Signed) P. Ingress Bell.

"Certified that the above is an accurate translation of the evidence given by the said Josef Hauptman in my presence. (Signed) Charlotte Duschenes."

There is a short supplementary one by the same man on page 43.

(Supplementary deposition of Josef Hauptman is marked exhibit 38, signed by the President and attached to the proceedings.)

COL. BACKHOUSE: "Further deposition of Josef Hauptman (Male) late of Fuchowa, 6, Prague, 12. sworn before Capt. A.J. Fox, General List, D.A.P.M., 86 S.I.S., C.M.P.

"Further to my deposition dated 9th May, 1945, I identify Franz Hessler, No. 1 on photograph 9 as the S.S. man Hessler referred to by me in that deposition".

The photograph concerned is S.G.C.5. which you have already checked against this accused.

"Sworn by the said deponent Josef Hauptman at Belsen this 29th day of May, 1945. (Signed) Hauptman, Josef. before me (Signed) A.J. Fox. Capt.

"I hereby certify that the said deponent not understanding English, this affidavit was translated in my presence to the said deponent before swearing and I am satisfied that its contents was fully understood by the said deponent. Dated this 29th day of May, 1945. (Signed) A.J. Fox. Capt.

"I hereby certify that I have accurately translated this affidavit to the said deponent. Dated this 29th day of May, 1945. (Signed) Charlotte Duschenes".

L.T. COL. GENN: The next is No. 44, the deposition of Helene Herkovitz.

(Deposition of Helene Herkovitz is marked Exhibit 39, signed by the President and attached to the proceedings.)

L.T. COL. GENN: "Deposition of Helene Herkovitz of Chust, Slovakia, sworn before me Major P. Ingress Bell, D.A.A.G., Legal Staff, Judge Advocate General's staff.

"1. I am 21 years old. I am a Jewess of Czecho-slovakian nationality. I was arrested by the Germans in March, 1944, and taken to Auschwitz. In February, 1945, I was transferred to Belsen camp and I was employed in the kitchen. I had been employed in the kitchen at Auschwitz and did not sleep with the ordinary prisoners. I saw persons put in the gas chamber but by being in the kitchen I escaped the beatings and the starvation which the other prisoners endured.

"2. About 7 weeks ago the S.S. woman Ellers noticed a ring and a locket I was wearing. I had previously hidden these. She took them from me and took me into her room, where she made me undress. She questioned me as to where I had got this jewellery but did not believe me when I said it was mine and I had brought it with me to Belsen. She beat me with a stick about the head and back until blood came from my nose and eyes. I then dressed and was made to run behind the bicycle ridden by Ellers to the S.S. Headquarters. Whilst I was being interrogated by Ellers two other S.S. women were present and took part in the beating. Their names are Gollasch and Volgenrat. I was questioned in the presence of these three women by two S.S. men whose names I do not know but whom I could recognise. They beat me about the shoulders with a rubber truncheon. I was then put in a cellar in a house by myself and only given bread and water every three days. My sister managed to smuggle extra food to me. After three weeks and daily questioning I was taken out and made to work in the latrines. After six days I caught typhus and was in hospital when the camp was liberated. The conditions in hospital were very bad but there were no deliberate acts of cruelty committed against the patients though many died.

"Sworn by the above named Helene Herkovitz this 3rd day of May, 1945, at Belsen. (Signed) Herkovitz Helene. Before me the said Major P. Ingress Bell.

"Certified that the above is an accurate translation of the evidence given by the said Helene Herkovitz (Signed) Charlotte Duschenes."

MAJOR MURTON-NEALE: The next one is page 45, deposition of Jolan Holdost.

(Deposition of Jolan Holdost is marked Exhibit 40 signed by the President and attached to the proceedings.)

MAJOR MURTON-NEALE: "Deposition of Jolan Holdost of Langenthal, 69, Burgerland, Austria, sworn before me Major P. Ingress Bell, D.A.A.G., Legal Staff, an officer of the staff of the Judge Advocate General to the Forces.

"1. I am aged 25 and a gypsy. I was arrested in March, 1942, and transferred to Auschwitz. I was transferred to Ravensbruck in July, 1944, and to Belsen in March, 1945.

"2. At Auschwitz I lived in a block adjacent to the gas chamber and I saw thousands of persons sent to the gas chamber. I remember in particular one occasion when there was not enough room in the gas chamber and other prisoners were forced to pour petrol over the 300 to 400 people left outside who were then burnt. My child died from hunger three weeks after I arrived at Auschwitz.

"3. I had a child at Ravensbruck which died from hunger when three months old. I was then against my will and on the orders of Dr. Dreitz and in his presence sterilized. This was on 7th January, 1945. Dr. Dreitz is aged about 36. height 6 ft, very thin, thin face, pale complexion, brown hair, long nose, scar on face.

"4. Whilst at Belsen I saw Nikolas Jenner whom I identify as No. 4 on photo 24, knock down an internee Emilie Horwat, an Austrian gypsy, and then beat her with a stick on the face and body. This was because Horwat had stolen a vegetable from the kitchen garden.

"Sworn by the above named Jolan Holdost this 15th day of May, 1945, at Belsen Camp. (Signed) Jolan Holdost. Before me the said Major P. Ingress Bell. (Signed) P. Ingress Bell.

"Certified that the above is an accurate translation of the evidence given by Jolan Holdost in my presence. (Signed) Traute Neumann".

COL. BACKHOUSE: The next is on page 62, the deposition of Peter Iwanow. I propose to put the accused statements in at the end and then we can have any argument, if necessary.

THE PRESIDENT: You are going to put in all the accused together?

COL. BACKHOUSE: Yes. We have already dealt with Brigadier Glyn Hughes, who takes up most of the intervening pages.

(Deposition of Peter Iwanow is marked Exhibit 41, signed by the President and attached to the proceedings.)

COL. BACKHOUSE: "Deposition of Peter Iwanow (male) late of Aldarkino, near Kuibischow, Russia, sworn before Captain Alexander Mackinlay Forbes, Royal Artillery, Legal Staff, No. 1 War Crimes Investigation Team,

"1. I am 32 years of age and served as a Signaller in the 497th Signals Battalion of the Russian Army until I was taken prisoner by the Germans near Lubni in September, 1941. I later escaped and worked as a partisan until I was recaptured in September, 1942. I then passed through the following labour camps in Germany - Halle, Torgau and Falkenberg. I escaped again in June, 1943, and was recaptured at Kattowitz, Silesia, and taken to Auschwitz concentration camp in July, 1943. I stayed there until November, 1943, when I was transferred to Buchenwald where I stayed for a month. I then moved to Dora Camp and I finally came to Belsen on 8th April, 1945.

"2. On 15th June, 1945, I was shown by Sgt. Scanans, 86 Special Investigation Section, Corps of Military Police, a man whom I recognise as a Capo whom I first met on the journey from Dora to Belsen. I have not been informed that his name is Vladislav Ostrowski.

"3. From Dora I was marched with other prisoners to a small camp about nine kilometres away where we stayed the night. The following day we began an eight day train journey to Belsen. We arrived in the small camp I have mentioned about 5 p.m. on the first day of our journey. Many of the prisoners were standing on the road passing through the small camp when the capo, Ostrowski, approached. He was carrying a very thick wooden stick about a yard long and three inches thick. Upon reaching the prisoners in the road he began to beat them indiscriminately with the stick. Altogether he beat between 15 and 20 prisoners, knocking them to the ground by blows on the head and other parts of the body. Some of the prisoners were rendered unconscious by the blows. I saw all this happen and the beatings were completely unwarranted. Ostrowski, who is a strongly built man, proudly cleared a path for himself through the group of prisoners by knocking them off the road with his stick. I cannot say whether any of the victims were killed, but they were all injured by the blows.

"4. During the short period I was in Belsen there was very little food distributed. Only twice did we get any food and that was a small quantity of soup. Together with other prisoners from Dora I was detailed to live in Block 19, of which Ostrowski was capo in charge. It was his responsibility to distribute this soup. The prisoners were naturally very hungry, and, on both occasions, rushed to get their soup. I saw Ostrowski, on both occasions, beat many of the hungry prisoners with the iron handle of a broken soup ladle. The iron handle had sharp edges and Ostrowski beat prisoners across the head and other parts of the body with it, causing injuries and bleeding. A number of victims were rendered unconscious by these blows but I cannot say whether any of them died.

"5. On the morning of 15th April, 1945, when British troops arrived at the camp, Ostrowski came into the block at about 5.15 a.m. The block was over-crowded and I saw him walk across the sleeping bodies of the prisoners not caring where he trod. He was again carrying the iron handle and he beat prisoners with it as he walked through the block, shouting to them to get out on Appel. When prisoners did get up he beat them with the iron handle as they went out on Appel. It was fairly dark at that time and I could not see what injuries were inflicted or if any of the prisoners were killed by the blows. The dead and sick prisoners who were in the block had to be carried out on to Appel that morning.

"6. On the day before the camp was liberated I was told by another Russian prisoner, who left Belsen some weeks ago, that the Capo, Ostrowski, had beaten a French prisoner to death in his block. I did not see the incident myself, I did not sleep every night in Block 19 as it was too over-crowded, and therefore I cannot say all that happened in Block 19.

"Sworn by the said deponent Peter Iwanow at Belsen this 19th day of June, 1945. (Signed) Iwanow. Before me (Signed) Alexander Mackinlay Forbes Capt. R.A.

"I hereby certify that, the said deponent not understanding English, this affidavit was translated in my presence to the said deponent before swearing and I am satisfied that its contents were fully understood by the said deponent. Dated this 19th day of June, 1945 (Signed) Alexander Mackinlay Forbes, Capt., R.A.

"I hereby certify that I have accurately translated this affidavit to the said deponent. Dated this 19th day of June, 1945 (Signed) Jelinek, Margaret, Civilian Interpreter."

(Deposition of Anna Jakubowice is marked exhibit 42 signed by the President and attached to the proceedings)

CAPT. STEWART: "Deposition of Anna Jakubowice of No. 75 Velka Turice, near Uzhorod, Czechoslovakia, sworn before me, Major P. Ingress Bell D.A.A.G., Legal Staff, an officer of the staff of the Judge Advocate General to the Forces. I am 25 years of age and I am a Czechoslovakian by nationality. I was arrested at the beginning of April 1944 because I was Jewish and I was taken to the Ghetto at Uzhorod. I was transferred to Auschwitz in May 1944 and taken to Belsen on 1st January 1945. My mother and nephew were sent to the gas chamber at Auschwitz and only S.S. man I know by name as responsible for sending persons to death in this way is Dr. Mengelo. I was employed as a cook at Belsen and therefore exempt from roll call. Joseph Klippel whom I identify as No. 5 on photo 3 was the cook in charge. I have seen him frequently beat women with a rubber stick who approached the kitchen in search of food. On two occasions during March I saw him shoot a woman dead. Both were Jewesses but I do not know their names. Sworn by the above named Anna Jakubowice this 11th Day of May 1945 at Belsen Camp. Signed Anna Jakubowice. Before me the said P. Ingress Bell, Signed P. Ingress Bell. Certified that the above is an accurate translation of the evidence given by the said Anna Jakubowice in my presence, Signed Charlotte Duschenes!"

(Deposition of Alina Jasinska is marked exhibit 43 signed by the President and attached to the proceedings)

LT. COL. GENN: "Deposition of Alina Jasinska, Spinster, late of Warsaw, sworn before me, Major Geoffrey Smallwood, Major (Legal Staff) Judge Advocate General's Office. I am 25 years of age and was arrested on 2nd June 1942 for being a Polish nationalist. I came to Auschwitz soon afterwards and for some time worked in the hospital. The woman Lobauer who has just been brought into the room I recognise as the one who at that time was Lagerapo there. As such I have seen her help in the selection of persons to go into the gas chamber. I have seen people brought into hospital who have been made ill as the result of the beatings which they told me Lobauer had given them. I have seen them die a few days later. These were women. I have frequently seen her beat women with a whip or a stick. She was very cruel. On one occasion she gave me a very hard blow with a stick on the buttocks which drew blood. Sworn by me the above named Alina Jasinska this 11th day of May 1945 at Belsen Camp. Signed, Alina Jasinska. Before me the said Major Geoffrey Smallwood. Signed Geoffrey Smallwood. Certified that I have accurately translated the evidence of the said Alina Jasinska as recorded in my presence".

(Depositions of Adelaide De Yong are marked exhibit 44 signed by the President and attached to the proceedings)

MAJOR MURTON-NEALE: "Deposition of Adelaide De Yong, Reliefstraat, 23 Amsterdam, sworn before me Major P. Ingress Bell, D.A.A.G. Legal Staff, Judge Advocate General's Staff. I am 35 years old. I am a Jewess of Dutch nationality. On 29th August 1943 I was against my will and for no reason of health sterilised by Dr. Samuel a German Jew, also a prisoner in the camp. Many other persons were sterilised in this camp. The orders for the operation were given by the commandant of the camp named Essler. Dr. Samuel acted under compulsion and I have heard that he was subsequently shot by the Germans. Sworn by the above named Adelaide De Yong this 4th day of May 1945 at Belsen. Signed A. De Yong. Before me the said P. Ingress Bell. Signed P. Ingress Bell. Certified that the above is an accurate translation of the evidence given by the said Adelaide De Yong in my presence. Signed Charlotte Duschenes".

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"Further deposition of Adelaide De Jong (female) late of Reliefstraat 23, Amsterdam, sworn before Major Savile Geoffrey Champion, R.A. Legal Staff, No. 1 War Crimes Investigation Team. Further to my deposition dated 4th May 1945, I identify No. 1 on photograph 9 as the man referred to by me in my previous deposition as Essler. I now understand that his name is Franz Hoessler. Hoessler was the Lager Commandant of the camp at Auschwitz where I was sterilised. I was injected twice by Dr. Samuels and I then lost consciousness. When I regained consciousness I was in hospital bed and was bleeding between the legs. I asked Dr. Samuels what had happened and he told me that I had been sterilized. In my previous deposition my name is spelt Yong. It should be spelt Jong as in this deposition. Sworn by the said deponent Adelaide De Jong at Belsen this 1st day of June 1945 Signed A. De Jong. Before me Signed S.G. Champion, Major R.A. I hereby certify that, the said deponent not understanding English, this affidavit was translated in my presence to the said deponent before swearing and I am satisfied that its contents were fully understood by the said deponent. Dated this 1st day of June 1945. Signed S.G. Champion, Major R.A. I hereby certify that I have accurately translated this affidavit to the said deponent. Dated this 1st day of June 1945, Signed 13118612 H. Aitchison, Cpl. 21 Army Group Interpreter Pool".

(Deposition of Ladislaus Judkovitz is marked exhibit 45 signed by the President and attached to the proceedings)

CAPT. STEWART: "Deposition of Ladislaus Judkovitz (Male) formerly of No. 2 Soukenicka, Prague 2, sworn before Major Savile Geoffrey Champion, Royal Artillery, Legal Staff, No. 1 War Crimes Investigation Team. I am a Czechoslovakian subject and a Jew. I was arrested by the Germans and was in Laurahutte Camp at the end of last year, in Hanover Camp about February of this year and in Belsen Camp in March and April until the British came. There was a Capo called Schlomoivicz. He has been brought into the room and I recognise him. He was a beastly man. I have seen him hit people, always men, with a long piece of wood. Particularly have I seen him do this at Belsen. The camp was very overcrowded and some amount of shoving and pushing and even perhaps hitting with the hand was necessary by the Capos to maintain order but this man went far beyond anything that was necessary. I only once saw a man bleed as a result of beating by Schlomoivicz. An elderly man on one occasion fainted as a result of a beating. I have seen Schlomoivicz hit men including old and sick men with a piece of wood all over the body and also across the head. Sworn by the said deponent Ladislaus Judkovitz at Belsen this 14th day of June 1945 before me, Signed Ladislaus Judkovitz, Signed S.G. Champion, Major R.A. I hereby certify that I have accurately translated this affidavit to the said deponent. Dated this 14th day of June 1945, Signed Charlotte Duschenes, Civilian Interpreter. I hereby certify that, the said deponent not understanding English, this affidavit was translated in my presence to the said deponent before swearing and I am satisfied that its contents were fully understood by the said deponent. Dated this 14th day of June 1945. Signed S.G. Champion, Major R.A."

MAJOR CRANFIELD: With respect I submit that the affidavit on page 73 should not be properly exhibited. It is not an exhibit, therefore it is not supported by another affidavit and the deponent has already been here. I understood the proposition accepted by the court was that where a witness appears in person one cannot subsequently attempt to produce an affidavit by that person. I seem to remember a day or two ago being stopped from so doing in the case of Litwinska.

MAJOR MURTON-NEALE: We have no objection at all. The fact was that Major Champion was brought here and these matters were not put to him by the prosecution. However, if my friend has any objection we will not put it in.

(Deposition of Alegre Kalderon is marked exhibit 46 signed by the President and attached to the proceedings)

L.T. COL:GENN: "Deposition of Alegre Kalderon of Andigonidon 11, Salonika, sworn before me, Major P. Ingress Bell, D.A.I.G., Legal Staff, an officer of the staff of the Judge Advocate General to the Forces. I am 20 and a Jewess of Greek nationality. I was arrested about three years ago and taken to Auschwitz. I know of my own knowledge that in four months 45,000 Greek Jews were taken to Auschwitz. Thousands of us were exterminated by the gas chamber and otherwise on arrival. 16,000 women remained and selections were made from time to time until only about 150 remained. Ultimately about 60 of us were transferred about 7 months ago to Belsen Camp and out of the original 45,000 there are only some 60 women survivors. I survived principally because I was employed as a dressmaker and I escaped a great deal of ill treatment owing to my occupation. A number of Germans took part in the selection of victims for the gas chamber but did not know their names. I can recollect, however, the name of Tauber, Klein, Mengel. I also name as persons whom I have personally seen committing brutal and savage assaults on internees, S.S. woman Juana Berman whom I identify as No.3 on photo 19. I also name Franz Hossler and Theodore Hueskel whom I identify as 1 and 2 respectively on photo 9. I have seen these men repeatedly administer savage and brutal treatment to half-starved internees. I am the Block Leader at present of No.4 Block S.T. and I am well acquainted with the surviving internees. I have been asked to select three reliable witnesses who are able to name persons responsible for the atrocities at Auschwitz and bring them to make statements. This I will endeavour to do. Sworn by the above named Alegre Kalderon this 15th day of May 1945 at Belsen Camp. Signed Calderon Allegre. Before me the said Major Ingress Bell, Signed P. Ingress Bell. Certified that the above is an accurate translation of the evidence by the said alegre Kalderon in my presence. Signed Fraube Neumann".

(Deposition of Ivan Karobjenikow is marked exhibit 47 signed by the President and attached to the proceedings)

MAJOR MURTON-NEALE: "Deposition of Ivan Karobjenikow (Male) late of Worenska Oblast, Wodopjonowskj Reion, Russia, sworn before Captain Alexander Mackinlay Forbes, Royal Artillery, Legal Staff, No. 1 War Crimes Investigation Team. I am 22 years of age and was taken prisoner by the Germans while serving with the 6th Russian Army, near Kharkov on 27th May 1942. Whilst being conveyed to the P.O.W. Camp by train to Germany I escaped but was recaptured after three weeks and handed over to the Gestapo. I was taken to Wurzburg in Germany where I again escaped but was recaptured and taken to Schlossenberg Concentration Camp. On 20th October 1942 I was transferred to Mauthausen Camp where I remained for 18 months before being moved to Wienerneustadt Camp where I stayed for two months. On leaving there I stayed for five days at Buchenwald and then went to Dora Camp where I remained until I came to Belsen on 9th April 1945. On 15th June 1945 I was shown by Sergeant Seamens, 86 Special Investigation Section, Corps of Military Police, a man whom I recognised as the Capo who was in charge of Block 19 at Ellrich Camp. I have now been informed that his full name is Vladislav Ostrowski. After leaving Dora Camp for Belsen Camp I spent two days at Ellrich Camp and it was then that I met the man I have referred to. The first day at Dora I was one of 900 men of Block 19 who were ordered to sit in a squatting position for four or five hours because one of the internees had excreted outside the block. This punishment was given by Ostrowski who hit any prisoner who moved or spoke with a soup ladle handle. He confined most of these beatings to the very sick prisoners. During the

two days I was at Ellrich I saw Ostrowoski beat many sick prisoners over the head with this same instrument. The heads of the beaten prisoners were cut open and blood streamed from their wounds. On several occasions I have had to remove bodies of persons who died at Ellrich Camp because of the beatings received from Ostrowoski. I have been Ostrowoski beat them. They died the same day. I cannot remember their names.

Whilst I was at Belsen Camp I was again in Block 19 and Ostrowoski was a camp policeman. During this time I saw him beat many sick prisoners, mostly at Apell times, for no reason at all. When prisoners lined up for food Ostrowoski went down the line of waiting men and beat and hit them. Again it was mostly the sick prisoners who took the punishment.

One morning, just after we arrived at Belsen, Ostrowoski called everyone out on Apell. One of the prisoners, I do not know his name but he was a Frenchman, was so sick that he could not move. I saw Ostrowoski hit the Frenchman on the head with a soup ladle handle. I cannot say just what injuries he received but his head was covered in blood. I later saw this man's body dragged away by other prisoners and put on to a heap of dead bodies outside the hut. I saw for myself that he was dead.

S worn by the said deponent Ivan Karobjenikow at Belsen

Signed Karobjenikow Ivan, this 19th day of June 1945 before me, signed Alexander Mackinlay Forbes, Capt. R.A. I hereby certify that, the said Deponent not understanding English, this affidavit was translated in my presence to the said deponent before swearing and I am satisfied that its contents were fully understood by the said deponent. Dated this 19th day of June 1945, signed Alexander Mackinlay Forbes, Capt. R.A. I hereby certify that I have accurately translated this affidavit to the said deponent. Dated this 19th day of June 1945. Signed 13118612 Corporal Aitchison H. 21 Army Group Interpreter Pool.

43.

(Adjourned until tomorrow morning at 0930 hours)